

Political History
State Constitution
and School Laws
of Idaho



H. L. TALKINGTON

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POLITICAL HISTORY
STATE CONSTITUTION
AND
SCHOOL LAWS
OF IDAHO

CONSIDERED WITH REFERENCE TO THE STUDENT,
THE TEACHER, THE SCHOOL OFFICIAL AND ANY
OTHERS INTERESTED IN THE POLITICAL AND
EDUCATIONAL INSTITUTIONS OF THE STATE

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BY

H. L. TALKINGTON A.B., A.M.

HEAD OF THE DEPARTMENT OF AMERICAN HISTORY AND CIVICS

LEWISTON STATE NORMAL

LEWISTON MORNING TRIBUNE
LEWISTON, IDAHO

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HENRY L. TALKINGTON

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It has long been apparent that the apathy manifested by the average citizen in public affairs is largely due to his lack of knowledge of his powers and responsibilities as a citizen. This is especially true of local and state civics. "Every phase of life outside the family circle is public life; and the business of all education is to fit men for public life—that is life in relation to the social organism."

Several years' experience as a teacher in the Lewiston Normal School, and as associate examiner in connection with the granting of teacher's certificates in Nez Perce County have convinced me of the great need of some work on the Political History, State Constitution and School Law of the state, which while simple yet would answer all the ordinary questions that will arise in the study, the teaching or the use of these subjects.

It has been with this in view that the present work has been prepared. The attempt has been made to answer the questions so often asked in the class room, to put the applicant for a certificate in possession of the information necessary to prevent his making the mistake so often made on examination, and to index the subjects so fully that they may be readily used by anyone who needs them.

The author appreciates the hearty reception given the first edition of this book, by the teacher, the school official, the student and the general public. He also desires to make acknowledgment of many courtesies extended him by the State School Superintendent and her assistant as well as many others whose names the lack of space prevents mentioning. Justice demands, however, that special mention be made of the work of Supt. Walter R. Siders, of the Pocatello City Schools and member of the Code Commission, for his valuable suggestions in connection with interpretations of the School Law, and the Commissioner of Education, Washington, D. C., who furnished the carefully prepared bibliographies found at the close of each chapter on this same subject.

THE AUTHOR.

Lewiston, Idaho, August 1, 1911.

POLITICAL HISTORY OF IDAHO

THE OREGON COUNTRY

The territory termed the "Oregon Country" was bounded on the north by 54 degrees, 40 minutes, or the Russian possessions, on the east by the Rocky Mountains, on the west by the Pacific Ocean, and on the south by 42 degrees, or the Spanish possessions, and was claimed by Russia, Spain, Great Britain and the United States.

(1). Russia's claim was based on discovery and occupation by fur traders. The Emperor exercised authority on the Asiatic Coast as far south as 45 degrees north latitude, and he claimed the right of sovereignty on the American coast as far south as 51 degrees and from these points on both sides for one hundred Italian miles out into the sea, treating the northern part of the Pacific as a closed sea. In 1824 a treaty was concluded with the United States and in 1825 one with Great Britain whereby Russia agreed not to make any settlement south of 54 degrees 40 minutes.

(2). Spain's claim is the strongest of all and is based on the following discoveries. The voyages of Cabrillo and Ferrello in 1543 to latitude 43 degrees; Juan de Fuca in 1592 to parallel 49 degrees and the strait which bears his name; Vizcaino in 1603 to latitude 43 degrees; Perez in 1774 to latitude 54 degrees; Heceta in 1775 to latitude 48 degrees, discovering but not entering the river St. Roque now the Columbia. A few minor voyages as far north as latitude 59 degrees.

Spanish settlement was begun by Cortez in 1535 and gradually pushed west and north through Mexico and California, but never extending farther than the southern boundary

of Oregon, although the country much farther north was claimed by Spain. By the treaty of 1763 Spain had a still further right to this country gaining the French claim but she lost this when the territory was ceded to France.

(3). Great Britain had little claim to this country by discovery, Drake saw the coast in 1580, Cook examined slightly in 1778 and Van Couver more thoroughly in 1783, but none of these men could be termed original discoverers.

Fur traders established posts in this country in 1793, 1806, and 1811 but no attempts at permanent settlement were made south of the 49th degree of latitude.

(4). UNITED STATES. The claim of this nation to the Oregon Country is based on discovery, exploration, settlement and treaties.

(a). On May 11, 1792, Captain Robert Gray discovered the Columbia River sailing up the stream for several miles. There had been a custom, or understanding among nations, that the nation that discovered the mouth of the river was entitled to all the country drained by its tributaries.

(b). In 1805-06 Lewis and Clark by authority of the United States government explored most of the country south of 49th degree of latitude, and in 1811 settlements were made at Astoria, by the Lees on the Willamette in 1832-33 and by Whitman near Walla Walla, Washington, and by Spalding at Lapwai, Idaho, in 1836-37.

(c). TREATIES. By treaty with France in 1803 the United States gained all of the French title to the Oregon Country, and by treaty with Spain in 1819 that country surrendered all its right to the same section. In 1818 the United States and Great Britain entered into what is termed the "joint occupancy" treaty, by the terms of which all the land claimed by both powers west of the Rocky Mountains should be "free and open" to the subjects of both, for the next ten years. This treaty was renewed in 1827 and was to continue indefinitely; either nation could terminate it by giving the other twelve months notice.

(d). The "Wolf" Organization and the Formation of a Government for Oregon, 1843.

A mass meeting of settlers was held on May 2nd at Cham-poeg, to listen to a report of a committee previously appointed to draw up a plan of union.

The constitution reported was adopted and the preamble sets forth the reason for the action as follows:

Preamble—We the people of Oregon Territory for the purpose of mutual protection, and to secure peace and prosperity among ourselves, agree to adopt the following laws and regulations, until such a time as the United States of America extend their jurisdiction over us.

Those present at the meeting immediately elected territorial officers. Robert Newell, who was for many years afterward a resident of Lewiston and prominent in Idaho politics, was a member of the committee that drew up that constitution and a member of the legislative committee that draughted the first code of laws for that colony.

Bancrofts History of Oregon.

Laws affecting Real Estate, Abbott, Tacoma, Wash.

(e). In 1844 a popular demand arose for the "reoccupation of Oregon and the reannexation of Texas." The convention which met at Baltimore the same year and nominated Polk for President, asserted that "our title to the whole of the territory of Oregon is clear and unquestionable." Polk in his inaugural address made the same claim, omitting the word, whole, however.

A bill passed the House of Representatives in February 1845, providing a territorial government for Oregon with a boundary of 54 degrees 40 minutes as the northern limit.

The Senate defeated this bill because it prohibited slavery; Buchanan, Polk's Secretary of State, proposed in July, to compromise by offering the line of 49 as a boundary, this offer was declined by the English and withdrawn by the President in his annual message in the fall of 1845. This was followed, the next spring by a joint resolution of the Houses authorizing the President, at his discretion, to give Great Britain the

required notice of withdrawal from the agreement of 1827; but before the President acted in the matter England offered to accept 49 degrees as the boundary, and Polk dodged all responsibility by referring the proposition to the Senate which in June, 1846, ratified the treaty proposed.

(f). In 1848 all of the territory of the United States west of the Rocky Mountains and north of latitude 42 degrees was organized by the government into the territory of Oregon.

(g). In 1853 the territory of Washington was created, its boundaries were: on the north the 49th parallel of latitude; on the east the Rocky Mountains; on the south the Columbia River and the 46th parallel of latitude, starting from a point near Fort Walla Walla; the Pacific Ocean on the west, making a nearly equal division of the whole of Oregon.

ORGANIZATION OF THE TERRITORY OF IDAHO

On December 15th, 1862, Mr. William M. Kellogg, of Illinois, introduced the following resolution in the House of Representatives:

"Resolved, That the Committee on Territories be instructed to inquire into the propriety of establishing a Territorial government for that region of country in which are situated the Salmon river gold mines; and that they report by bill or otherwise."

This resolution was agreed to.

On December 22nd, James M. Ashley, a representative from Ohio, introduced a bill to provide a temporary government for the Territory of Idaho; which was read a first and second time, and referred to the Committee on Territories.

February 11th, 1863, James M. Ashley, a member of the Committee on Territories, reported in the House a bill to provide a temporary government for the territory of Montana; which was ordered to be printed and re-committed to the same Committee.

February 12th, Mr. James H. Lane, a Senator from Kansas, asked and by unanimous consent obtained leave to introduce a bill (S. No. 521) to provide a temporary government for the Territory of Montana; which was read twice by its title, and referred to Committee on Territories.

On the same day the bill passed the Senate and was sent to the House which in turn, after amending it, passed it and returned it to the Senate. This fact was reported in the Senate February 13th, but nothing more was done until March 3rd, when the bill was again taken up, and the discussion which follows took place:

SENATE.

Mr. Wilkinson: I move to lay aside the pending bill and all other orders, and take up House bill No. 738, providing for a temporary government for the Territory of Montana.

Mr. Harris: I hope not.

Mr. Wilkinson: This bill has passed the House of Representatives, and I think it is necessary that it should pass this body. I am in favor of the bill which is now before the Senate, but I do not believe it can pass; or if it passes this body, it certainly cannot pass the other. It seems to me entirely futile to undertake to press it at this late day of the session.

The Presiding Officer. The Senator from Minnesota moves to postpone the pending bill and all prior orders, and that the Senate proceed to the consideration of the bill indicated by him.

Mr. Doolittle: I agree with the Senator from Minnesota. I am a practical man. I do not believe practically, that you can pass this bill through the Senate and the House of Representatives at the present stage of the session. It is a bill which will necessarily lead to debate both in this House and the House of Representatives, and we are now in the last day of the session. The bill which he proposes to take up, to organize the Territory of Montana, is a practical measure; it has passed the House of Representatives; it is simply pending in this body, awaiting action here. We can take it up and pass it. It is important that it should be passed. The Territory of Montana is an important Territory, with great gold mines in it, and with a large population in it already.

Mr. Grimes: Where is it?

Mr. Doolittle: North of Utah, taking what lies east of Oregon and east of Washington Territory, and north of Utah, and taking a portion of Dakota, embracing fine gold mines and a large population. I think it is wiser for us to deal in practical subjects of legislation than to press matters which, being opposed in this House and the other House, it sees to me there is no probability of passing and carrying into effect.

Mr. Nesmith (Oregon): I trust that the motion of the Senator from Minnesota will prevail. There is very great necessity for the organization of the proposed Territory. There are today from fifteen thousand to twenty thousand persons there. They are remotely situated, some five hundred or a thousand miles from any seat of government. There have been recent discoveries of rich gold mines there; and I have no doubt that within the next four or five months there will be fifty thousand or sixty thousand people there, who will be entirely without law or municipal regulation for their government unless this bill shall pass. A class of people go there whom it is necessary to have some regulation to control. I trust therefore the bill will be taken up for the benefit of the people who are there without law and without government.

Mr. Harris: Mr. President, I do not forget that this is the last evening of the session, and I would not press the consideration of this bill in opposition to any measure that I regarded indispensable or important for the purpose of carrying on the affairs of the Government, and especially those connected with the war. But, sir, I do not justify myself with having so long delayed to press the consideration of this bill upon the attention of the Senate. I regard it, as I have said before as a very important measure, and I desire and intend to press it upon the attention of the Senate until some measure that is of a different character from that which is embraced in his motion shall be brought before the Senate.

Now, sir, in relation to the bill to organize the Territory of Montana, if I am correctly informed, it is a bill of very doubtful expediency; and one the consideration of which may well be postponed until another session of Congress. My information in relation to the condition of that Territory is very different from that stated by the Senator from Oregon; and the most of what I know, I may say, I derive from the colleague of that Senator, who informs me that really there are but very few people there; no settled population there to be governed by a Territorial government. In my judgment it is quite premature to consider that bill. But, however that may be, it is a bill that may well be postponed until another session of Congress. I regard this bill of great importance, and I hope the Senate will be willing to consider it until some measure is brought to its attention that requires action at the present session.

The President, pro tempore: The question is on the motion of the Senator from Minnesota that the Senate postpone the pending and all prior orders, and proceed to the consideration of the bill to organize the Territory of Montana.

Mr. Harris called for the yeas and nays; and they were ordered.

Mr. Harding: Mr. President, the Territory proposed to be organized under a territorial government by the bill referred to by the Senator from Minnesota has not at this time a population exceeding probably five thousand. During last summer, in the mining district known as the Salmon river mines, there were probably ten thousand persons. The usual severity of the winter in that country induced most of those miners to leave there and go to the lower country for the winter. Since last August other mines have been discovered on Boise river, where there are now probably from two to three thousand miners at work, according to the best information we can get. In the Salmon river mines there are now probably one, two or three thousand miners altogether.

The territory included in the boundaries fixed in the bill contains but little agricultural country, and there are, probably, not today more than a few dozen families residing within that Territory; but all the accounts we receive from there show that the mines are very rich, and that large numbers of people intend to go there early this spring. I suppose the prospects of the Territory are as good today as the prospects of Nevada were the day its territorial organization was completed. I understand that at the time the bill for the organization of Nevada was passed, there were only a few hundred people in that Territory; but the bill was passed upon the knowledge which Congress had that a very large number of persons intended emigrating to and settling in that Territory in the next spring, and that large amounts of capital had been invested there.

As the bill now stands, I cannot vote for it, because it does not include the population east of the Cascade mountains who desire a territorial organization; but by a proper amendment I think the bill can be made a good one. I hope it will be taken up and amended, and then passed.

Mr. Lane, of Kansas: The Senator from Oregon, in his estimate of the population, does not count the people on the eastern slope of the mountains.

Mr. Harding: That is so. I know nothing of the eastern slope of the Rocky Mountains on this side. I only speak of the western side.

Mr. Lane, of Kansas: The Delegate from Dakota estimates the number of miners on the eastern slope of the mountains as equal to the number given by the Senator from Oregon, which would make a population of from eight to ten thousand persons. I do hope that the Montana bill will be passed; and that then we shall take up the bill to enable Nevada and Colorado to form State governments, and pass them.

The question being taken by yeas and nays on Mr. Wilkinson's motion, resulted—yeas 22, nays 13.

TERRITORY OF MONTANA OR IDAHO.

So the motion was agreed to; and the bill (H. R. No. 738) to organize the Territory of Montana was considered as in Committee of the Whole. The bill provides for establishing a territorial government, with a Governor, a Legislature consisting of two branches, and a judiciary, over the territory included within the following limits:

Mr. Wilson, of Massachusetts: I move to strike out the name of the Territory, and insert "Idaho." Montana is no name at all.

Mr. Doolittle. I hope not. I hope there will be no amendment at all. Montana sounds just as well as Idaho.

Mr. Wilson, of Massachusetts: It has no meaning. The other has.

Mr. Doolittle: It has a meaning; it refers to the mountainous character of the country.

Mr. Wilson, of Massachusetts: I renew the amendment to change the name from "Montana" to "Idaho."

Mr. Doolittle: As the bill has already been amended, and will have to go back to the House of Representatives, I do not care much about the name; and if it pleases my honorable friend from Massachusetts to call it Idaho instead of Montana, I am willing to yield to his suggestion.

Mr. Harding: I think the name of Idaho is much preferable to Montana. Montana, to my mind signifies nothing at all. Idaho, in English, signifies "the gem of the mountains." This is a mountainous country, and the name Idaho is well understood in signification and orthography in all that country, and I prefer it to the present name.

The amendment was agreed to.

The amendment was ordered to be engrossed, and the bill to be read a third time. The bill was read the third time.

Mr. Carlile called for the yeas and nays on the passage of the bill, and they were ordered; and being taken, resulted—yeas 25, nays 12.

So the bill passed.

The title was amended by striking out "Montana" and inserting "Idaho."

(The Congressional Globe, Part 2, 3d Session, 37th Congress, 1862-1863. Pages 1507 to 1509, inclusive.)

TERRITORY OF MONTANA.

An act (H. R. No. 738) to provide a temporary government for the Territory of Montana, returned from the Senate with amendments. The amendments were read,

Mr. Ashley: I move that the House non-concur in the Senate amendments, and ask a committee of conference.

Mr. Sargent: I hope that will not be done. I should somewhat hesitate to try the experiment of the gentleman from Ohio, a friend of this bill, at this very late hour of the session, thereby sending it back to the Senate, and hence to a committee of conference. I am as desirous of the passage of this bill as he is, but at the same time it is better to concur in the Senate amendments as they now stand, rather than to risk the loss of the bill entirely.

Mr. Ashley: I am very much obliged to the gentleman from California for his advice. The Committee on Territories have had this matter in charge, and I ask this House to non-concur in the Senate amendments, and ask a committee of conference.

Mr. Sargent: I was not offering advice to the gentleman from Ohio. I do not presume to give him information on this or any subject; but as the bill relates to the erection of a Territory upon the Pacific, and I am anxious for the passage of the bill, as I believe the gentleman himself is, I suggested to the House—not to the gentleman—that it might be well not to hazard the passage of the bill by non-concurring in the amendments of the Senate at this late hour of the session. That seems to me to be good policy. I made the suggestion to the House, and the gentleman is under no obligation to me. I call the previous question.

The previous question was seconded, and the main question ordered.

Mr. Wodsworth: Is this a mere contest between the two names of Montana and Idaho?

Mr. Ashley. Oh, no; there is a change in the boundaries as well as in the name. I call for tellers onconcurring in the amendments of the Senate.

Tellers were not ordered.

The amendments were concurred in—ayes 65, noes 33.

Mr. Holman: Is it in order to move to lay the bill on the table.

Mr. Speaker: The Chair thinks not, at this time. The House has agreed to the amendments of the Senate, which was all that the House could do.

Mr. Sargent moved to reconsider the vote by which the amendments of the Senate were concurred in; and also moved to lay the motion to reconsider upon the table.

The latter motion was agreed to.

Congressional Globe, Part 2, 3rd Session, 37th Congress, 1862-1863. Page 1542.

NOTE:—The bill passed both Houses and was signed by the President March 3, 1863.

ORGANIC ACT OF THE
TERRITORY OF IDAHO

AN ACT TO PROVIDE A TEMPORARY GOVERNMENT FOR THE
TERRITORY OF IDAHO.

Sec. 1. Territory of Idaho, boundaries.

Be it enacted by the Senate and House of Representatives of the United States in Congress assembled. That all that part of the territory of the United States included within the following limits, to-wit: Beginning at a point in the middle channel of the Snake river where the northern boundary of Oregon intersects the same; then follow down the said channel of Snake river to a point opposite the mouth of the Kooskooskia, or Clearwater river; thence due north to the forty-ninth parallel of latitude; thence east along said parallel to the twenty-seventh degree of longitude west of Washington; thence south along said degree of longitude to the northern boundary of Colorado Territory; thence west along said boundary to the thirty-third degree of longitude west of Washington; thence north along said degree to the forty-second parallel of latitude; thence west along said parallel to the eastern boundary of the State of Oregon; thence north along said boundary to the place of beginning. And the same is hereby created into a temporary government, by the name of the Territory of Idaho: *Provided*, That nothing in this act contained shall be construed to inhibit the government of the United States from dividing said Territory or changing its boundaries in such manner and at such time as congress shall deem convenient and proper, or from attaching any portion of said Territory to any other State or Territory of the United States: *Provided, further*, That nothing in this act contained shall be construed to impair the rights of person or property now pertaining to the Indians in said Territory, so long as such rights shall remain unextinguished by treaty between the United States and such Indians, or to include any territory which, by treaty with any Indian tribes, is not, without the consent of said tribe, to be included within the territorial limits or jurisdiction of any state or territory; but all such territory shall be excepted out of the boundaries, and constitute no part of the Territory of Idaho, until said tribe shall signify their assent to the president of the United States to be included within said Territory, or to affect the authority of the government of the United States to make any regulations respecting such Indians, their lands, property, or other rights, by treaty, law, or otherwise, which it would have been competent for the government to make if this act had never passed.

Executive power, governor, etc.

Sec. 2. *And be it further enacted.* That the executive power and authority in and over said Territory of Idaho shall be vested in a governor, who shall hold his office for four years, and until his successor shall be appointed and qualified, unless sooner removed by

the president of the United States. The governor shall reside within said Territory, and shall be commander-in-chief of the militia, and superintendent of Indian affairs thereof. He may grant pardons and respites for offences against the laws of said Territory, and reprieve for offences against the laws of the United States until the decision of the president of the United States can be made known thereon; he shall commission all officers who shall be appointed to office under the laws of the said Territory, and shall take care that the laws be faithfully executed.

Secretary, when to act as governor.

Sec. 3. *And be it further enacted,* That there shall be a secretary of said Territory, who shall reside therein, and shall hold his office for four years, unless sooner removed by the president of the United States; he shall record and preserve all laws and proceedings of the legislative assembly hereinafter constituted, and all the acts and proceedings of the governor in his executive department; he shall transmit one copy of the laws and journals of the legislative assembly within thirty days after the end of each session, and one copy of the executive proceedings and official correspondence semi-annually, on the first days of January and July in each year, to the president of the United States, and two copies of the laws to the president of the senate and to the speaker of the house or representatives for the use of congress; and in case of the death, removal, resignation, or absence of the governor from the territory, the secretary shall be, and he is hereby, authorized and required to execute and perform all the powers and duties of the governor during such vacancy or absence or until another governor shall be duly appointed and qualified to fill such vacancy.

Legislative power, what constitutes, length of session, etc.

Sec. 4. *And be it further enacted,* That the legislative power and authority of said Territory shall be vested in the governor and legislative assembly. The legislative assembly shall consist of a council and house of representatives. The council shall consist of seven members having the qualifications of voters as hereinafter prescribed, whose term of service shall continue two years. The house of representatives shall, at its first session, consist of thirteen members possessing the same qualifications as prescribed for the members of the council, and whose term of service shall continue one year. The number of representatives may be increased by the legislative assembly, from time to time, to twenty-six, in proportion to the increase of qualified voters; and the council, in like manner, to thirteen. An apportionment shall be made as nearly equal as practicable among the several counties or districts for the election of the council and representatives, giving to each section of the Territory representation in the ratio of its qualified voters as nearly as may be. And the members of the council and of the house of representatives shall reside in, and be inhabitants of, the district or county, or counties, for which they may be elected respectively. Previous to the first election, the governor shall cause a census or enumeration

of the inhabitants and qualified voters of the several counties and districts of the Territory to be taken by such persons and in such mode as the governor shall designate and appoint, and the persons so appointed shall receive a reasonable compensation therefor. And the first election shall be held at such time and places, and be conducted in such manner both as to the persons who shall superintend such election and the returns thereof, as the governor shall appoint and direct; and he shall, at the same time, declare the number of members of the council and house of representatives to which each of the counties or districts shall be entitled under this act. The persons having the highest number of legal votes in each of said council districts for members of the council shall be declared by the governor to be duly elected to the council; and the persons having the highest number of legal votes for the house of representatives shall be declared by the governor to be duly elected members of said house: *Provided*, That in case two or more persons voted for shall have an equal number of votes, and in case a vacancy shall otherwise occur in either branch of the legislative assembly, the governor shall order a new election; and the persons thus elected to the legislative assembly shall meet at such place and on such day as the governor shall appoint; but thereafter the time, place, and manner of holding and conducting all elections by the people, and the apportioning the representation in the several counties or districts to the council and house of representatives, according to the number of qualified voters, shall be prescribed by law, as well as the day of the commencement of the regular sessions of the legislative assembly; *Provided*, That no session in any one year shall exceed the term of forty days, except the first session, which may continue sixty days.

Voters at first election.

Sec. 5. *And be it further enacted*, That every free white male inhabitant above the age of twenty-one years, who shall have been an actual resident of said Territory at the time of the passage of this act, shall be entitled to vote at the first election, and shall be eligible to any office within the said Territory; but the qualifications of voters, and of holding office, at all subsequent elections, shall be such as shall be prescribed by the legislative assembly.

Veto power of governor, taxes, etc.

Sec. 6. *And be it further enacted*, That the legislative power of the Territory shall extend to all rightful subjects of legislation consistent with the constitution of the United States and the provisions of this act; but no law shall be passed interfering with the primary disposal of the soil; no tax shall be imposed upon the property of the United States, nor shall the lands or other property of non-residents be taxed higher than the lands or other property of residents. Every bill which shall have passed the council and house of representatives of the said Territory shall, before it becomes a law, be presented to the governor of the Territory; if he approve, he shall sign it; but if not, he shall return it, with his objections, to the house in which it originated, who shall enter the objections at large upon their journal and proceed to reconsider it. If, after such reconsidera-

tion, two-thirds of that house shall agree to pass the bill, it shall be sent, together with the objections to the other house, by which it shall likewise be reconsidered; and if approved by two-thirds of that house, it shall become a law. But in all such cases the votes of both houses shall be determined by yeas and nays, to be entered on the journal of each house respectively. If any bill shall not be returned by the governor within three days (Sunday excepted) after it shall have been presented to him, the same shall be a law in like manner as if he had signed it, unless the assembly, by adjournment, prevent its return; in which case it shall not be a law: *Provided*, That whereas slavery is prohibited in said Territory by act of congress of June nineteenth, eighteen hundred and sixty-two, nothing herein contained shall be construed to authorize or permit its existence therein.

District, county, or township officers.

Sec. 7. *And be it further enacted*. That all township, district, and county officers, not herein otherwise provided for, shall be appointed or elected, as the case may be, in such manner as shall be provided by the governor and legislative assembly of the territory of Idaho. The governor shall nominate and, by and with the advice and consent of the legislative council, appoint all officers not herein otherwise provided for; and in the first instance the governor alone may appoint all said officers, who shall hold their offices until the end of the first session of the legislative assembly, and shall lay off the necessary districts for members of the council and house of representatives, and all other officers.

Members of assembly, who may be.

Sec. 8. *And be it further enacted*. That no member of the legislative assembly shall hold or be appointed to any office which shall have been created, or the salary or emoluments of which shall have been increased, while he was a member, during the term for which he was elected, and for one year after the expiration of such term; but this restriction shall not be applicable to members of the first legislative assembly; and no person holding a commission or appointment under the United States, except postmasters, shall be a member of the legislative assembly, or shall hold any office under the government of said Territory.

Judicial power, with whom vested.

Sec. 9. *And be it further enacted*. That the judicial power of said Territory shall be vested in a supreme court, district courts, probate courts, and in justices of the peace. The supreme court shall consist of a chief justice and two associate justices, any two of whom shall constitute a quorum, and who shall hold a term at the seat of government of said Territory annually; and they shall hold their offices during the period of four years, and until their successors shall be appointed and qualified. The said Territory shall be divided into three judicial districts, and a district court shall be held in each of said districts by one of the justices of the supreme court at such times

and places as may be prescribed by law; and the said judges shall, after their appointments, respectively, reside in the districts which shall be assigned them. The jurisdiction of the several courts herein provided for, both appellate and original, and that of the probate courts and of justices of the peace, shall be limited by law: *Provided*, That justices of the peace shall not have jurisdiction of any matter in controversy when the title or boundaries of land may be in dispute, or where the debt or sum claimed shall exceed one hundred dollars; and the said supreme and district courts, respectively, shall possess chancery as well as common-law jurisdiction. Each district court, or the judge thereof, shall appoint its clerk, who shall also be the register in chancery, and shall keep his office at the place where the court may be held. Writs of error, bills of exceptions, and appeals, shall be allowed in all cases from the final decisions of said district courts to the supreme court, under such regulations as may be prescribed by law. The supreme court, or the justices thereof, shall appoint its own clerk, and every clerk shall hold his office at the pleasure of the court for which he shall have been appointed. Writs of error and appeals from the final decisions of said supreme court shall be allowed, and may be taken to the supreme court of the United States, in the same manner and under the same regulations as from the circuit courts of the United States, where the value of the property or the amount in controversy, to be ascertained by the oath or affirmation of either party, or other competent witnesses, shall exceed one thousand dollars, except that a writ of error or appeal shall be allowed to the supreme court of the United States from the decision of the said supreme court created by this act, or of any judge thereof, or of the district courts created by this act, or of any judge thereof, upon any writs of habeas corpus involving the question of personal freedom. And each of the said district courts shall have and exercise the same jurisdiction, in all cases arising under the constitution and laws of the United States, as is vested in the circuit and district courts of the United States; and the first six days of every term of said courts, or so much thereof as shall be necessary, shall be appropriated to the trial of causes arising under the said constitution and laws; and writs of error and appeal in all such cases shall be made to the supreme court of said Territory, the same as in other cases. That said clerks shall receive, in all such cases, the same fees which the clerks of the district courts of Washington Territory now receive for similar services.

Territorial officers, appointment of, salaries, pay of.

Sec. 10. And be it further enacted, That there shall be appointed an attorney for said Territory, who shall continue in office four years, and until his successor shall be appointed and qualified, unless sooner removed by the president of the United States, and who shall receive the same fees and salary as the attorney of the United States for the present Territory of Washington. There shall also be a Marshal for the Territory appointed, who shall hold his office for four years, and until his successor shall be appointed and qualified unless sooner removed by the president of the United States, and who shall execute all processes issuing from the said courts when exercising their jurisdiction as circuit and district courts of the United States; he shall perform the duties, be subject to the same regulations and

penalties, and be entitled to the same fees as the marshal of the district court of the United States for the present Territory of Washington, and shall, in addition be paid two hundred dollars annually as a compensation for extra services.

Members of assembly, session of, etc.

Sec. 11. *And be it further enacted.* That the governor, secretary, chief justice, and associate justices, attorney, and marshal, shall be appointed by the president of the United States, by and with the advice and consent of the Senate. The governor and secretary to be appointed as aforesaid, shall, before they act as such, respectfully, take an oath or affirmation, before the district judge or some justice of the peace in the limits of said territory, duly authorized to administer oaths and affirmations by the laws now in force therein, or before the chief justice or some associate justice of the supreme court of the United States, to support the constitution of the United States, and faithfully to discharge the duties of their respective offices which said oaths, when so taken, shall be certified by the person by whom the same shall have been taken; and such certificate shall be received and recorded by the said secretary among the executive proceedings; and the chief justice and associate justices, and all civil officers in said Territory, before they act as such shall take a like oath or affirmation before the said governor or secretary or some judge or justice of the peace of the Territory, who may be duly commissioned and qualified which said oath or affirmation shall be certified and transmitted by the person taking the same to the secretary to be by him recorded as aforesaid; and afterwards the like oath or affirmation shall be taken, certified, and recorded in such manner and form as may be prescribed by law. The governor shall receive an annual salary of two thousand five hundred dollars, the chief justice and associate justices shall receive an annual salary of two thousand five hundred dollars, the secretary shall receive an annual salary of two thousand dollars; the said salaries shall be paid quarter-yearly from the dates of the respective appointments, at the treasury of the United States; but no payment shall be made until said officers shall have entered upon the duties of their respective appointments. The members of the legislative assembly shall be entitled to receive four dollars each per day, during their attendance at the sessions thereof and four dollars each for every twenty miles traveled in going to and returning from said sessions estimated according to the nearest usually travelled route, and an additional allowance of four dollars per day shall be paid to the presiding officer of each house for each day he shall so preside. And a chief clerk, one assistant clerk, one engrossing and one enrolling clerk, a sergeant-at-arms and door-keeper may be chosen for each house; and the chief clerk shall receive four dollars per day, and the said other officers three dollars per day, during the session of the legislative assembly; but no other officers shall be paid by the United States: *Provided.* That there shall be but one session of the legislative assembly annually, unless, on an extraordinary occasion, the governor shall think proper to call the legislative assembly together. There shall be appropriated annually the usual sum to be expended by the governor to defray the contingent expenses of the Territory, including the salary of the clerk of the executive department; and

there shall also be appropriated annually a sufficient sum, to be expended by the secretary of the Territory, and upon an estimate to be made by the secretary of the treasury of the United States, to defray the expenses of the legislative assembly, the printing of the laws, and other incidental expenses; and the governor and secretary of the Territory shall, in the disbursement of all moneys entrusted to them, be governed solely by the instructions of the secretary of the treasury of the United States, and shall, semi-annually, account to the said secretary for the manner in which the aforesaid moneys shall have been expended; and no expenditure shall be made by said legislative assembly for objects not specially authorized by the acts of congress making the appropriations, nor beyond the sums thus appropriated for such objects.

Seat of government, delegate, constitutional laws, etc.

Sec. 12. *And be it further enacted,* That the legislative assembly of the Territory of Idaho shall hold its first session at such time and place in said Territory as the governor thereof shall appoint and direct; and at said first session, or as soon thereafter as they shall deem expedient, the governor and legislative assembly shall proceed to locate and establish the seat of government for said Territory at such place as they may deem eligible: *Provided,* That the seat of government fixed by the governor and legislative assembly shall not be at any time changed, except by an act of the said assembly duly passed and which shall be approved, after due notice, at the first general election thereafter, by a majority of the legal votes cast on that question.

First Territorial election, time and place.

Sec. 13. *And be it further enacted,* That a delegate to the House of Representatives of the United States, to serve for the term of two years, who shall be a citizen of the United States, may be elected by the voters qualified to elect members of the legislative assembly, who shall be entitled to the same rights and privileges as are exercised and enjoyed by the delegates from the several other territories of the United States to the said House of Representatives; but the delegate first elected shall hold his seat only during the term of the Congress to which he shall be elected. The first election shall be held at such time and places, and be conducted in such manner as the governor shall appoint and direct; and at all subsequent elections the times, places, and manner of holding elections shall be prescribed by law. The person having the greatest number of legal votes shall be declared by the governor to be duly elected, and a certificate thereof shall be given accordingly. That the Constitution and all laws of the United States which are not locally inapplicable shall have the same force and effect within the said Territory of Idaho as elsewhere within the United States.

Public lands, school sections.

Sec. 14. *And be it further enacted,* That when the lands in the said Territory shall be surveyed, under the direction of the govern-

ment of the United States, preparatory to bringing the same into market, sections numbered sixteen and thirty-six in each township in said Territory shall be, and the same are hereby, reserved for the purpose of being applied to schools in said Territory, and in the states and territories hereafter to be erected out of the same.

Judicial districts and judges.

Sec. 15. *And be it further enacted.* That, until otherwise provided by law, the governor of said Territory may define the judicial districts of said Territory, and assign the judges who may be appointed for said Territory to the several districts, and also appoint the times and places for holding courts in the several counties or subdivisions in each of said judicial districts, by proclamation to be issued by him; but the legislative assembly, at their first or any subsequent session, may organize, alter, or modify such judicial districts, and assign the judges, and alter the times and places of holding the courts, as to them shall seem proper and convenient.

Officers to give bonds.

Sec. 16. *And be it further enacted.* That all officers to be appointed by the president of the United States, by and with the advice and consent of the senate, for the Territory of Idaho, who, by virtue of the provisions of any law now existing, or which may be enacted by congress, are required to give security for moneys that may be intrusted with them for disbursement, shall give such security at such time and in such manner as the secretary of the treasury may prescribe.

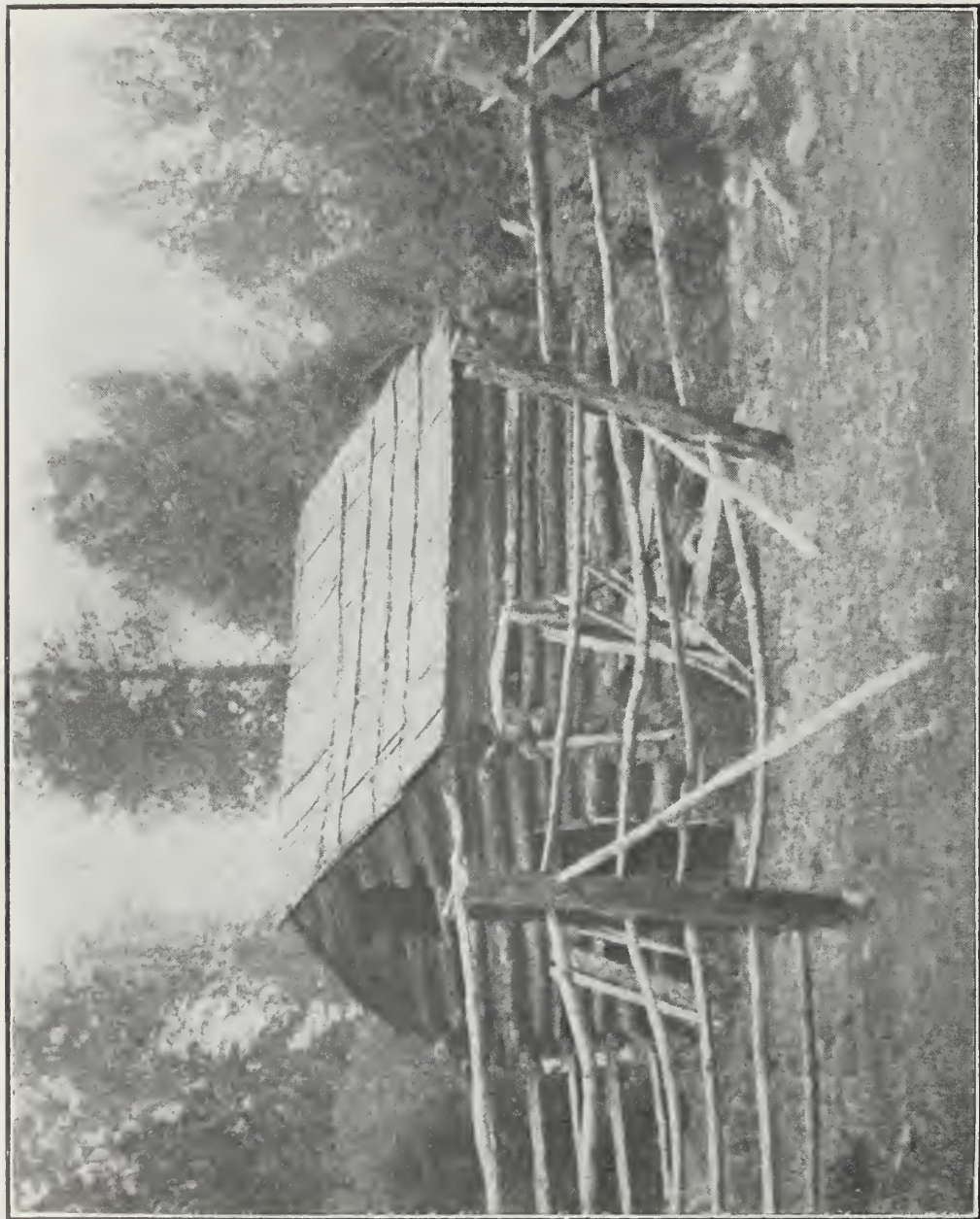
Treaties with Indians, agencies, etc.

Sec. 17. *And be it further enacted.* That all treaties, laws, and other engagements made by the government of the United States with the Indian tribes inhabiting the territory embraced within the provisions of this act, shall be faithfully and rigidly observed, anything contained in this act to the contrary notwithstanding; and that the existing agencies and superintendencies of said Indians be continued with the same powers and duties which are now prescribed by law, except that the president of the United States may, at his discretion, change the location of the offices of said agencies or superintendents.

Approved, March 3d, 1863.

FIRST TERRITORIAL ELECTION

In pursuance to a proclamation issued by Governor William H. Wallace, dated at Lewiston, Idaho, September 22, 1863,



"PACKER JOHN'S CABIN" LOCATED AT MEADOWS, ADAMS CO.
Here was held the first Territorial Democratic Convention. The
cabin has been repaired and ten acres, including that on which
it stands, have been purchased by the state.

a general election was held on the 31st day of October at which time the following Territorial officers as well as a delegate to Congress were chosen.

COUNCIL

First District	Second District	Third District
E. B. Waterbury	Joseph Miller	Wm. C. Rheem
Stanford Capps	Ephraim Smith	A. J. Edwards.
Lyman Stanford		

REPRESENTATIVES

Joseph Tufts, Beaverhead District.
 C. P. Bodfish, Boise.
 M. C. Brown, Boise.
 R. P. Campbell, Boise.
 Milton Kelly, Boise.
 W. R. Keithley, Boise.
 L. C. Miller, East Bannock District.
 Alonzo Leland, Idaho.
 John Wood, Idaho.
 L. Bacon, Nez Perce.
 James A. Orr, Shoshone.

APPOINTIVE OFFICERS

W. H. Wallace, Governor, March 10, 1863.
 W. B. Daniels, Secretary, March 10, 1863.
 Sidney Egerton, Chief Justice, March 10, 1863.
 Alleck C. Smith, Associate Justice, March 10, 1863.
 Samuel C. Parks, Associate Justice, March 10, 1863.
 D. S. Payne, U. S. Marshal, March 13, 1863.
 G. C. Hough, U. S. Attorney, February 29, 1864.

William H. Wallace, the governor was a candidate on the Republican ticket for delegate to Congress and J. M. Camady was the Democratic nominee. The former was declared elected although the Democrats claimed that this was due to the fact that the U. S. Marshal, D. S. Payne went over to Montana and brought back as returns 1000 republican votes although there were not over 50 men there.

FIRST TERRITORIAL LEGISLATURE

Convened at Lewiston Dec. 7, 1863; adjourned Feb. 4, 1864.

EXTRACT FROM GOVERNOR'S MESSAGE TO THE LEGISLATURE

Gentlemen of the Council and House of Representatives:

Custom in all the States and Territories of the Union, and law in most of them, requires the executive, at the beginning of each session of the legislative body, to call the attention of the servants of the people to such subjects as he deems necessary and proper for their action. And when the fundamental law of any political community makes the executive a part of the legislative power, as is the case in this Territory, the utility of this custom is apparent.

It is with pleasure, therefore, that, in compliance with this duty, I now meet you at your first session; and I congratulate you upon the bright prospects of our young community, and upon those indications of rapid and permanent growth with which we are surrounded. Sixty years ago, when Mr. Jefferson sent Lewis and Clark to explore this country, it was almost as unknown as the deserts of Africa. Little did he then dream of what it would be today, and much less did he dream of what it will be sixty years hence. The child is born who shall see railroads and telegraphs connecting our great centers of trade with the Atlantic and Pacific oceans; who shall not only see the inexhaustible mineral wealth of this country developed, but shall see the trade of Asia turned from its ancient channels, and the road across this continent become the great highway of the world. He shall see slavery, that foul stain upon our country, blotted out forever, and all danger from domestic insurrection and foreign intervention pass away with the cause that produced it. He shall see the States of the Pacific rival those of the Atlantic seaboard in population and wealth; shall see a city located on the western side of the continent, by the Pacific ocean, surpassing in trade and magnificence ancient Tyre when she sat as a queen and her merchants were princes, and cities in the interior surpassing Palmyra and Persepolis



LUNA HOUSE—LEADING HOTEL IN LEWISTON IN EARLY DAYS
Here members of the first and second Territorial Legislature stopped.

in the days of their glory—splendid, not with heathen temples and palaces decorated with barbaric pomp and pride, but with churches dedicated to the worship of the God of our fathers, and institutions of learning devoted to the education of our youth in arts and science, morals and religion. He shall see the capital of the nation removed to the valley of the Mississippi, not four days journey from either ocean, far from the reach of any invading foe, and easily accessible to all our countrymen. He shall see his country more united and powerful than ever before, leading all the nations in the pathway of political civilization, and imparting to all the millions beneath her sway a degree of prosperity and happiness enjoyed by no other people beneath the sun. Then shall the population of the mountain States be counted by tens of millions; and Idaho, one of the last of the Territories to be organized, shall be one of the first States. We are assembled here today in furtherance of this grand result, and should cheerfully contribute toward it our utmost labor and skill.

WILLIAM B. DANIELS,

Executive Office, Lewiston, I. T.

Dec. 9, 1863.

First Legislature—New counties created:

West of Rocky Mountains—Owyhee County, Oneida County.

East of Rocky Mountains—Missoula, Deer Lodge, Beaver Head, Madison, Jefferson, Choteau, Dawson, Big Horn, Ogalala, Yellowstone.

The boundaries of the counties previously created were re-defined.

REMOVAL OF THE CAPITAL FROM LEWISTON TO BOISE.

Sec. 12 of the Organic Act provided "That the legislative assembly of the Territory of Idaho shall hold its first session at such time and place in said Territory as the governor thereof

shall appoint and direct; and at said first session, or as soon thereafter as they shall deem expedient the governor and legislative assembly shall proceed to locate and establish the seat of government for said Territory at such place as they may deem eligible."

Governor W. H. Wallace named Lewiston as the first place of meeting and here were held the first and second sessions of the legislature. At the latter the following law relative to the location of the state capital was passed.

Be it enacted by the Legislative Assembly of the Territory of Idaho, as follows:

Section 1. That the capital of the Territory of Idaho be, and the same is hereby permanently located at Boise City, in the County of Boise and said Territory of Idaho.

Sec. 2. The Capital buildings are hereby located on the grounds known in and described on the plat of said Boise City as the Capital Square. And the Honorable Caleb Lyon, C. B. Waite, and J. M. Cannady are hereby appointed as commissioners to receive a deed to said Capital Square, and such other grounds as may be deemed necessary, to hold in trust for the Territory, for the purpose of erecting the capital building aforesaid.

Sec. 3. The Secretary of said Territory is hereby authorized to immediately draw a warrant upon the Treasurer of the Territory, for such sum, not exceeding the sum of two thousand dollars, as shall be necessary to remove the papers, books, documents, and other property belonging to his office, to said Boise City.

Sec. 4. This act to take effect from and after the twenty-fourth day of December, A.D. 1864.

Approved Dec. 7th, A.D. 1864.

Laws of Idaho Territory, Second Session, page 427.

Immediately complaint was made before Probate Judge, John G. Berry by the District Attorney Thos. M. Pomeroy and a temporary injunction was granted, restraining the officers from removing the archives of the Territory from Lewiston to Boise.

It was contended that the election of the members of the House of Representatives who relocated the capital was illegal. The Organic Act provided that members of the council should be elected for two years and of the House of Representatives for one.

Congress at its session of 1863-4 amended this act by deferring the time of election from the first Monday in September

to the second Monday in October, without changing the time at which such officers should begin their term of office.

The Legislature at its first meeting passed a law providing that the term of office of members of the Legislature should begin on the first Monday in January following their election unless some other express provision is made by law. This same legislature passed such a law providing for the convening of the legislature on the second Monday in November of each year, this law it was claimed was unconstitutional because it was in conflict with the law passed by Congress; and the terms of office of the members of the House of Representatives who met in November did not begin until January therefore their action relocating the capital was illegal.

In the second place Caleb Lyon a federal officer was appointed a commissioner to receive the deeds to the grounds upon which the new capital was to be located and the Secretary of the Territory was authorized to draw a warrant upon the Territorial Treasurer for moneys to defray the expenses of the removal of the Territorial archives from Lewiston to Boise City all of which provisions were contrary to law.

This case was tried before Alleck Smith, Judge of the first judicial district of the Territory who perpetually enjoined the defendants from removing the seal, archives and property belonging to the office of Governor and Secretary of Idaho Territory from the Town of Lewiston, Nez Perce County, of the Territory of Idaho to Boise City in Boise County, Idaho Territory. An appeal was taken to the Supreme Court. (Territory).

The deputy clerk of Nez Perce County, who has charge of the records says (July 1911). 'There is no record in the clerk's office at Lewiston, of any undertaking of the appeal, or of any bill of exceptions ever having been filed, nor has any remittitur from the Supreme Court ever been handed down to show that the case was ever tried by that court.*'

* An account of the entire judicial proceedings in this case may be seen in the Clerk's office at Lewiston Idaho, or at the rooms of the State Historical Society at Boise.

ADMISSION OF THE STATE OF IDAHO

A convention to form a constitution for the State of Idaho.
Proclamation by Governor E. A. Stevenson.

Whereas, It is desirable that the Territory of Idaho, be admitted into the Union as a state, and it has been clearly indicated by leading men of congress of both political parties, that so soon as a suitable constitution is presented to congress, such admission will be granted:

Now, Therefore, I, E. A. Stevenson, Governor of Idaho Territory, fully recognizing the great advantages which statehood will confer, and in accordance with the fully expressed wishes of the citizens of the Territory, do issue this my proclamation to the people thereof and recommend to them that they take the necessary steps for such admission; that for this purpose they hold throughout this Territory, on the first Monday in June, A.D. 1889, an election for delegates to a constitutional convention to convene at Boise City, in said Territory at 12 o'clock noon, on the 4th day of July, A.D. 1889, for the purpose of framing a constitution for the State of Idaho; that such constitution when so framed be submitted for adoption or rejection to a vote of the people at an election to be held throughout this Territory, at a time hereafter to be provided for; and if adopted by the people at such an election, to be then submitted to congress for ratification, and the admission of this Territory as a state of the Union; that the qualification of delegates to such convention shall be such as are now required by the laws of said Territory for members of the Legislative Assembly of said Territory, and such delegates must take the same oath of office required of such members; that the election provided for shall be conducted, the returns made, the results ascertained, certificates to persons elected be issued, and the qualifications for voters thereof shall be the same as now provided by the laws of said Territory for general elections therein; that said constitutional convention shall be composed of seventy-two members apportioned as follows, to-wit:

Ada County, 9; Alturas, 5; Bear Lake, 1; Bingham, 7; Boise, 3; Cassia, 2; Custer, 4; Lemhi, 3; Idaho, 3; Latah, 6; Kootenai, 3; Nez Perce, 3; Oneida, 2; Owyhee, 3; Shoshone, 8; Washington, 3; Logan, 3; Elmore, 3.

Done at Boise City, the capital of the Territory of Idaho, this 2nd day of April, A.D. 1889.

E. A. STEVENSON, Governor.

Attest: E. J. CURTIS, Secretary.

(Seal)

JOINT RESOLUTION OF THE TERRITORIAL CENTRAL COMMITTEES

On April 30, 1889, the territorial central committees met at Boise and adopted the following joint resolution:

Resolved, That the Republican and Democratic Territorial Central

Committees of Idaho Territory, now in session at Boise City, Idaho, heartily and cheerfully endorse the proclamation issued by Governor Stevenson April 2, 1889, for the election of delegates to a constitutional convention, and pledge the support of their respective parties in the Territory to the object contemplated by them, and recommend that delegates from the respective counties, as apportioned, be selected with regard to fitness regardless of party affiliations, and the county central committees of the respective parties are hereby (throughout the Territory) recommended to act jointly in securing the nomination and election of delegates to said convention; and it is further recommended that in all cases where practicable the representatives elected be equally divided between the two political parties.

CONSTITUTIONAL CONVENTION

On April 30, 1889, George L. Shoup succeeded Stevenson as Governor of Idaho Territory and on May 11 issued a proclamation endorsing the position of his predecessor in regard to statehood for the Territory.

As recommended the election was held and delegates chosen for the constitutional convention as follows:

WM. H. CLAGGETT, Pres.
 GEO. AINSLIE
 W. C. B. ALLEN
 ROBT. ANDERSON,
 H. ARMSTRONG,
 ORLANDO B. BATTEN,
 FRANK W. BEAN,
 JAS. H. BEATTY,
 J. W. BALLENTINE,
 A. D. BEVAN,
 HENRY B. BLAKE,
 FREDERICK CAMPBELL,
 FRANK P. CAVANAH,
 A. S. CHANEY,
 CHAS. A. CLARK,
 I. N. COSTON,
 JAS. I. CRUTCHER,
 STEPHEN S. GLIDDEN,
 JOHN S. GRAY,
 WM. W. HAMMELL,
 H. S. HAMPTON,
 H. O. HARKNESS,
 FRANK HARRIS,
 SOL. HASBROUCK,
 C. M. HAYS,
 W. B. HEYBURN,
 JOHN HOGAN,

WM. C. MAXEY,
 A. E. MAYHEW,
 W. J. McCONNELL,
 HENRY MEDLER,
 JOHN H. MYER,
 JOHN T. MORGAN,
 A. B. MOSS,
 AARON F. PARKER,
 A. J. PIERCE,
 A. J. PINKHAM,
 J. W. POE,
 THOS. PYEATT,
 JAS. W. REID,
 W. D. ROBBINS,
 WM. H. SAVIDGE,
 AUG. N. SINNOTT,
 JAMES M. SHOUP,
 DREW W. STANDROD,
 FRANK STEUNENBERG,
 HOMER STULL,
 WILLIS SWEET,
 SAM F. TAYLOR,
 J. L. UNDERWOOD,
 LYCURGUS VINEYARD,
 J. S. WHITTON,
 EDGAR WILSON,
 W. W. WOODS,

J. M. HOWE,
E. S. JEWELL,
G. W. KING,
H. B. KINPORT,
JAS. W. LAMOREAUX,
JOHN LEWIS,

JOHN LEMP,
N. I. ANDREWS,
P. McMAHON,
SAMUEL J. PRITCHARD,
J. PEFLEY,
W. BRIGHAM.

I, Charles H. Reed, Secretary of the Constitutional Convention, which convened at Boise City on the fourth day of July, A.D. 1889, and adjourned on the sixth day of August, A.D. 1889, do hereby certify that the foregoing is a true and literal copy of the Constitution for the State of Idaho, as formulated and adopted by said Convention.

In witness whereof I have hereunto set my hand, at Boise City, Idaho, Territory, this sixth day of August, A.D. 1889.

CHAS. H. REED, *Secretary of the Convention.*

AN ADDRESS TO THE PEOPLE

At the close of the convention a committee was chosen by it to prepare an address to the people setting forth the merits of the proposed constitution. The following is an extract from the address:

The convention that framed the Constitution was in no sense a partisan one. In its organization both political parties were represented by delegates from every county. Strong Republican counties sent minorities of Democratic, and Democratic counties minorities of Republican delegates. This happy combination of political forces was reflected in the spirit which at every stage of its deliberation animated the convention.

Every material, industrial and professional interest was represented in its membership, and it was wholly free from all outside influences.

The business and taxpaying portion of our people was especially prominent and watchful of every interest of vital concern.

We believe that the Constitution finally adopted is in an eminent degree a conservatively progressive one. The powers conferred upon the Legislature are commensurate with the needs of the State, while the restrictions placed upon legislative action are such as experience in other states has shown to be wholesome or necessary. A careful perusal of its provisions will, we think, satisfy any candid mind, that a state government administered in harmony with its spirit and intent, will cause an immediate and wonderful increase in population, and in the wealth and happiness of the people.

Governor Shoup in his proclamation of October 2, 1889, speaks on the same subject as follows:

The convention was composed of talented and conscientious men representing all the leading professions and industries, who worked faithfully, zealously, and energetically for thirty-four days.

The result of their arduous labor is a constitution which commends itself to the people. You will bear in mind that there has, never will be, nor is it in the power of men to frame, a constitution that will meet the views of all. The framers of the constitution fully realizing this fact, labored earnestly to harmonize all conflicting interests. If twenty conventions were held it is not probable one of them would frame a constitution with as few defects as the one now submitted for your examination, and upon which you are to vote.

If from any cause it shall be found necessary hereafter to alter or amend the constitution, ample provision for such change is made therein.

I have only to add in conclusion that every resource and interest of the Territory, under its present aspect, were fully, ably, and impartially considered by a body of experienced gentlemen, even and equally drawn from the various sections of the Territory, and from each of the two great political party organizations.

RETURNS FROM ELECTION ADOPTING CONSTITUTION

November 9th, 1889, the vote was canvassed in the Governor's office, the results being as follows:

Counties.	For.	Against.	Total Majority.
Ada	1331	443	
Alturas	296	51	
Bingham	716	171	
Boise	539	80	
Cassia	130	92	
Custer	498	33	
Elnore	795	26	
Idaho	199	117	
Kootenai	1032	24	
Latah	2523	117	
Lemhi	890	30	
Logan	389	71	
Nez Perce	112	103	

Counties.	For.	Against.	Total Majority.
Oneida	278	95	
Owyhee	388	37	
Shoshone	1811	51	
Washington	442	173	
Bear Lake	214	615	
	12398	1775	10623

THE ADMISSION OF IDAHO AS A STATE

Mr. Dorsey of the House of Representatives being directed by the committee on Territories to call up for consideration the bill to provide for the admission of state of Idaho into the Union spoke as follows:

Mr. Speaker, in presenting the claims of the Territory of Idaho for admission to statehood, I shall not attempt to discuss the policy that should be pursued by Congress touching the admission of new States. In the great political contest waged in 1888 this question was freely discussed and was decided by the American people. In the future no political party, no man who aspires to leadership in either party, will dare oppose the admission to statehood of a Territory that is shown to possess the constitutional requirements. The Constiution provides that "New States may be admitted by the Congress into this Union." Hereafter we will interpret that clause so as to read: "New States shall be admitted by the Congress into this Union whenever the constitutional requirements are complied with."

We all know the position taken by the people upon this subject, and, as representatives of the people sent to this Chamber to voice their will, we have in this case a very simple duty to perform; that is, we shall investigate the claims of the Territory of Idaho, and if we find that this Territory has a sufficient population, that its material resources are sufficient, and that her people are intelligent and progressive and are attached to the principles of the Constitution of the United States, then our votes on the roll-call for the admission of Idaho must be in the affirmative. We should not consider to which one of the great political parties a majority of the citizens of a Territory may belong. Every case should be tried upon its merits, and if the showing is satisfactory its admission should be speedy.

Let us apply the tests to Idaho. Idaho was created a Territory by act of Congress March 3, 1863, and was formed from parts of the Territories of Dakota, Nebraska, and Washington. By the creation of the Territories of Montana and Wyoming, Idaho was reduced to its present size of 86,294 square miles, extending from the British possessions on the north to Utah and Nevada on the south, and from Montana and Wyoming on the east to Oregon and Washington on the west, having a length from north to south of 410 miles and a

Copy of a Plat of Lewiston pasted on the inner side of the front cover of the Assessment Roll Book of Nez Perce County, Idaho, for the year 1868.



Snake River



LOCATION OF HISTORIC BUILDINGS AND SITES,
LEWISTON, IDAHO

	Lot.	Block.
First school house, a log building, in which the first Territorial Assembly met	5	14
Two story frame building in which the first senate met also place where Judge A. C. Smith held court in the capital removal case	3-4	2
Capitel Building	7	13
The Luna House	3-4	18
Public Grounds, boat landing		
Warehouse of the Oregon Navigation Co.	2-3	10
House of Robert Newell	4-5	3
Vic Trivett's Store Building	1	1
Old Court House	E 1/2 2	6
Old Jail, said to have been the first house built in Lewiston	W 1/2 2	6
Ankeny's general merchandise store and warehouse, ...	7-8	14

width from east to west varying from about 50 miles on the line of the British Possessions on the north to 306 miles on its southern boundary line. This Territory contains in round numbers 55,000,000 acres, 16,000,000 acres of which are agricultural, 10,000,000 acres forests, 20,000,000 acres grazing and mineral lands, 8,000,000 acres rough and mountainous, and 1,200,000 acres in lakes and rivers.

Idaho has a greater area than New York, New Jersey, Massachusetts, and New Hampshire combined, and being on the west side of the Rocky Mountains, the warm currents from the Pacific sweep over the Territory and have a most beneficial effect on the arable and grazing belts. The average mean temperature is about 51°. Idaho is well supplied with water, and in fact better than any of the States or Territories west of the Missouri River. The great Snake River, which in volume of water is about equal to the Ohio, traverses the Territory from east to west. The Salmon River courses through the Territory for over 500 miles; Clarke's Fork, Spokane, Boise, Payette, Weiser, Big and Little Wood Rivers, Clearwater, Coeur d'Alene, St. Joseph, Bear River, and other large streams, into which hundreds of tributaries empty, also flow through the Territory.

Of the 16,000,000 acres of agricultural lands in the Territory but a small portion has been surveyed. About 4,500,000 acres have been filed upon under the several land acts of Congress.

The deep soil in the valleys and on the plateaus in the eastern and southern counties is composed of decayed vegetable matter mixed with sufficient mineral and disintegrated rock to give warmth and great productiveness. In the northern counties a dark loam of great depth prevails. This section of Idaho does not require irrigation and is in itself an empire.

The yield of all kinds of cereals and vegetables is most gratifying, wheat ranging from 30 to 50 bushels, potatoes from 250 to 500 bushels, oats from 50 to 75 bushels per acre, and other cereals and vegetables in the same proportion. The agricultural report for the Territory for 1889, compiled after the most careful inquiry and investigation by Governor Shoup, shows the following as the amount of grain raised in 1889:

Wheat	bushels..	4,000,000
Oats	do....	2,014,800
Barley	do....	1,150,400
Corn	do....	47,400
Rye	do....	64,900
Flaxseed	do....	555,000
Grass-seed	do....	17,350
Potatoes	do....	1,085,900
Other Vegetables	do....	838,350
Apples	do....	277,000
Pears	boxes..	29,850
Peaches	do....	34,850
Plums and prunes	do....	34,350
Hay	tons..	424,740
Grapes	boxes..	18,200
Berries	baskets..	76,600

The fruits and berries raised in the Territory are not excelled in any country. The sage-brush lands of Idaho are more easily turned into fruit farms and with as little expense as in any other State. For

the past ten or twelve years from 25,000 to 40,000 fruit trees have been set out annually. Their growth is rapid, and trees bear abundantly when quite young, especially so in all valley and plateaus not exceeding 3,500 feet above tide water. Trees mature and bear fruit at the altitude of 4,500 feet, but do not produce so abundantly as in the lower valleys.

Shorn of all other resources, the agricultural lands of Idaho alone are sufficient to support a large population and build up a great State.

Stock-raising is one of the great industries of the Territory. On the large area of grazing lands there are now 385,896 cattle of all grades, 123,840 horses, 2,480 mules, and 447,924 sheep.

The 10,000,000 acres of forest land will be a source of large revenue to Idaho for hundreds of years and will give employment to a large population.

I desire to call the particular attention of the House to the wonderful productions of the mines of Idaho.

The mines of the Territory have produced to date \$157,720,962.84 the production of last year, 1889, being the largest in the history of the Territory, amounting to the princely sum of \$17,344,600, namely:

Gold	\$3,204,500
Silver	7,564,500
Lead	6,490,000
Copper	85,600

Idaho is rapidly advancing to the front as a bullion-producing State, and with the present rate of increase will soon be the greatest bullion-producing State in the Union. The Territory has developed several of the largest mines on the globe, the production of which will be largely increased during the year 1890. Besides the bullion-producing mines, Idaho also has an abundance of iron, salt, sulphur, marble, sandstone, granite, limestone, and mica, with tin and cinnabar in limited quantities. Coal is known to exist in nearly every county in the Territory, but is not sufficiently developed to determine its extent.

As to population, I submit a table showing the number of inhabitants of the Territory for the different years from 1880 to 1889. These estimates are based upon the census taken of the school children. Under the law the enumeration of children of school age is taken annually.

	Children of School Age	Rates	Total Population
1881	6,698	4.87	32,619
1882	8,193	4.87	39,999
1883	9,650	4.87	46,995
1884	10,936	4.87	53,258
1885	13,140	4.87	63,991
1886	15,399	4.87	74,993
1887	17,372	4.87	84,601
1888	19,994	4.87	97,370
1889	24,071	4.87	117,225

I also desire to call particular attention to what has been done by this Territory to foster the public-school system.

The total number of schools in the Territory was, on the 21st day of August last, 434; total number of children of school age reported, 24,071. A large number of families live many miles from organized school districts and their children are not included in the above enrollment. Total receipts for school purposes (independent of private schools), 198,782; expenditures, \$175,579; balance remaining in the school fund at the close of school year, \$23,203.

The following gains appear in the report of the superintendent of public instruction for the Territory for the year 1889: Increase of children of school age, 4,077; schools, 69.

There is a compulsory school law in the Territory, and the greatest interest is taken by the people in educational matters. Substantial and commodious school-houses adorn and add to the attractions of every town and settlement. Besides the public schools there are several independent school districts, and many religious denominations have schools of their own. The estimated cost of buildings used for school purposes for public schools in the Territory is \$344,500, an increase of 65,000 during the past year.

There are 109 church edifices in the Territory, valued at \$220,500, with a membership of 11,137. I append a table showing the membership and number of church buildings of the different denominations. Idaho is not behind the Western States and Territories so far as public buildings are concerned:

Denominations	Number of Churches	Value of Church Property	Number of Members
Presbyterian	14	*\$20,000	762
Baptist	16	15,500	375
Catholic	22	60,000	8,000
Episcopal	19	40,000	*500
Methodist	*23	*70,000	*1,000
Other denominations **	*15	*15,000	*500
Total	109	220,500	11,137

*Estimated.

**In addition to the above, the Congregationalists, Christians, and other denominations not enumerated have ministers and places of worship.

The above does not include the adherents to the Mormon faith.

The Territory has constructed and furnished, unaided by the General Government, a capitol building, at a cost of over \$100,000. The capitol is a most substantial building, the basement being solid masonry, while the main structure is of the best quality of brick and is heated by the latest improved heating apparatus. This fine structure contains spacious and elegantly furnished rooms on the first floor for governor, surveyor-general, Territorial secretary, comptroller, superintendent of public instruction and United States attorney, library and armory. On the second floor are the council chamber representatives' hall, the supreme court-room, the judges' chamber, and various committee-rooms. The third floor is connected with galleries, and also has book and committee rooms.

The Territory has in course of construction, at Moscow, in Latah

County, a State university. This fine structure, when completed, will cost \$75,000. The Territory appropriated from the general fund \$15,000 for the building and an annual Territorial tax of one-half mill is levied and collected the proceeds going to the university fund.

The Territory constructed at Blackfoot Bingham County, a fine three-story brick building for an insane asylum, with a two-story wing and other annexes. The building, furniture, and grounds cost the Territory about \$55,000. In December last the main structure was destroyed by fire, but the sixty-five patients are comfortably quartered in the wing and annexes.

The United States assay office, located in the heart of Boise City, is the property of the United States, and cost the Government \$81,000.

The United States penitentiary, located 2 miles from Boise City, is built of sandstone. It has forty-two cells. An appropriation has been made and the contract let for a wing duplicating the one now in use. There are now incarcerated in the prison sixty-six Territorial and three United States prisoners.

The governor of the Territory, in his report for 1889, places the number of miles of railroad in the Territory at 888.73, the products exported to outside markets by railroads and steamboats at 184,015 tons, and the imports at 119,000 tons.

There are 917 miles of telegraph lines and 41 newspapers are published within the Territory.

The finances of this Territory are in the most satisfactory condition.

The comptroller, in his annual report to the governor, December, 1889, states that on the 20th day of January, 1890, the registered or floating debt would be paid in full, leaving the bonded indebtedness alone unpaid. The total bonded indebtedness of the Territory is \$146,715.06. Under the act of 1887 there were issued for general purposes of indebtedness bonds amounting to \$46,715.06. The denomination of these bonds is \$1,000 and at the rate of interest 10 per cent. per annum. The interest is payable semi-annually, in June and December, at the office of the Territorial treasurer. They mature December 1, 1891. There will be an ample fund in the Territorial treasury to redeem these bonds at maturity and without additional taxation.

Under the act approved February 2, 1885, \$100,000 additional bonds were issued for the following purposes: Eighty thousand dollars for the capitol building and twenty thousand to aid in construction of insane asylum. These bonds were issued in denominations of \$1,000 each, bearing 6 per cent. per annum coupons, payable semi-annually, in July and January. The capitol building bonds mature in 1905 and the asylum bonds fall due in 1892, 1893, 1894, and 1895, in multiples of \$5,000 annually. The capitol building fund is maintained by one-tenth of the receipts arising from the Territorial and county licenses and the proceeds of all rents derived from the use of the capitol building.

These bonds are redeemable at the pleasure of the Territory at any time after the expiration of ten years from the date of issue. All these bonds will be extinguished in ten years from date of issue from the sinking fund, as the receipts are increasing annually. There is in this fund at the present time over \$20,000.

The rate of Territorial tax is a fixed sum of four mills on the dollar, three and a half mills for general and one-half mill for univer.

sity funds. The assessed valuation of property in the Territory for the last fiscal year (1889) is in round numbers \$24,000,000.

Mines and lands not patented are not assessed. Fully one-half of the improved farms in the Territory are not patented. These lands are worth from \$10 to \$40 per acre. The present cash value of property in Idaho will equal \$100,000,000 at a conservative estimate.

The admission of Idaho to her place among the States of the Union has been agitated by her people for many years, and today the press of the Territory, irrespective of party, is urging admission, and the people of the State, irrespective of party, are anxious that this Territory shall take her place in the galaxy of States, and what has been done looking to this end has been in strict conformity to the Constitution.

Thus the people of Idaho, by an overwhelming majority, ratified the action of the delegates to the convention which framed their constitution.

The character of the population of Idaho is the highest type of American manhood, being composed principally of the descendants of New England, Southern, and Western States. The foreigners are the hardy sons of Norway, Sweden, Germany, Canada, and Great Britain. There is no question that with a stable and settled government, which statehood will insure, the increase in population and development will equal that of other Western States. There is no doubt that Idaho has the resources, wealth, and population to sustain without difficulty a State government. The people of the Territory are almost unanimous in asking this recognition.

IDAHO ADMISSION BILL

(Public 199)

AN ACT

TO PROVIDE FOR THE ADMISSION OF THE STATE OF IDAHO INTO
THE UNION.

Whereas, The people of the Territory of Idaho did, on the 4th day of July, 1889, by a convention of delegates called and assembled for that purpose, form for themselves a Constitution, which Constitution was ratified and adopted by the people of said Territory at an election held therefor on the first Tuesday in November, 1889, which Constitution is republican in form, and is in conformity with the Constitution of the United States; and,

Whereas, Said convention and the people of said Territory have asked the admission of said Territory into the Union of States on an equal footing with the original States in all respects whatever. Therefore,

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled. That the State of Idaho is hereby declared to be a State of the United States of America, and is hereby declared admitted into the Union on an equal footing with the original States in all respects whatever; and that the Con-

stitution which the people of Idaho have formed for themselves be, and the same is hereby, accepted, ratified and confirmed.

Section 2. That the said State shall consist of all the territory described as follows: Beginning at the intersection of the thirty-ninth meridian with the boundary line between the United States and the British possessions; then following said meridian south until it reaches the summit of the Bitter Root Mountains; thence south-eastward along the crest of the Bitter Root range and the Continental divide until it intersects the meridian of thirty-four degrees of longitude; thence southward on this meridian to the forty-second parallel of latitude; thence west on this parallel of latitude to its intersection with a meridian drawn through the mouth of the Owyhee river; north on this meridian to the mouth of the Owyhee River; thence down the mid-channel of the Snake River to the mouth of the Clearwater River; and thence north on the meridian which passes through the mouth of the Clearwater to the boundary line between the United States and the British possessions, and east on said boundary line to the place of beginning.

Sec. 3. That until the next general census, or until otherwise provided by law, said State shall be entitled to one Representative in the House of Representatives of the United States, and the election of the Representative to the Fifty-first Congress and Fifty-second Congress shall take place at the time, and be conducted and certified in the same manner as is provided in the Constitution of the State for the election of State, district, and other officers in the first instance.

The law of the Territory of Idaho for the registration of voters shall apply to the first election of State, district, and other officers held after the admission of the State of Idaho. County and precinct officers elected at the first election held after the admission of the State of Idaho shall assume the duties of their respective offices on the second Monday of January, 1891.

Sec. 4. That sections numbered 16 and 36 in every township of said State, and where such sections or any parts thereof, have been sold or otherwise disposed of by or under the authority of any Act of Congress, other lands equivalent thereto, in legal subdivisions of not less than one-quarter section, and as contiguous as may be to the section in lieu of which the same is taken, are hereby granted to said State for the support of common schools, such indemnity lands to be selected within said State in such manner as the Legislature may provide, with the approval of the Secretary of the Interior.

Sec. 5. That all lands herein granted for educational purposes shall be disposed of only at public sale, the proceeds to constitute a permanent school fund, the interest of which only shall be expended in the support of said schools. But said lands may, under such regulations as the Legislature shall prescribe, be leased for periods of not more than five years, and such lands shall not be subject to pre-emption, homestead entry, or any other entry under the land laws of the United States, whether surveyed or unsurveyed, but shall be reserved for school purposes only.

Sec. 6. That fifty sections of the unappropriated public lands within said State, to be selected and located in legal subdivisions as provided in section 4 of this Act, shall be, and are hereby, granted to said State for the purpose of erecting public buildings at the

Capital of said State for legislative, executive, and judicial purposes.

Sec. 7. That 5 per cent. of the proceeds of the sales of public lands lying within said State which shall be sold by the United States subsequent to the admission of said State into the Union, after deducting all the expenses incident to the same, shall be paid to the said State, to be used as a permanent fund, the interest of which only shall be expended for the support of the common schools within said State.

Sec. 8. That the lands granted to the Territory of Idaho by the Act of February 18, 1881, entitled "An Act to grant lands to Dakota, Montana, Arizona, Idaho, and Wyoming, for university purposes," are hereby vested in the State of Idaho to the extent of the full quantity of 72 sections to said State, and any portion of said lands that may not have been selected by said Territory of Idaho may be selected by the said State; but said Act of February 18, 1881, shall be so amended as to provide that none of said lands shall be sold for less than \$10 per acre, and the proceeds shall constitute a permanent fund to be safely invested and held by said State, and the income thereof be used exclusively for university purposes. The schools, colleges, and universities provided for in this Act shall forever remain under the exclusive control of the said State, and no part of the proceeds arising from the sale or disposal of any lands herein granted for educational purposes shall be used for the support of any sectarian or denominational school, college, or university.

Sec. 9. That the penitentiary at Boise City, Idaho, and all lands connected therewith, and set apart and reserved therefor, and unexpended appropriations of money therefor, and the personal property of the United States now being in the Territory of Idaho which has been in use in said Territory in the administration of the Territorial government, including books and records and the property used at the Constitutional convention which convened at Boise City in the month of July, 1889, are hereby granted and donated to the State of Idaho.

Sec. 10. That 90,000 acres of land, to be selected and located as provided in section 4 of this Act, are hereby granted to said State for the use and support of an agricultural college in said State, as provided in the Acts of Congress making donations of lands for such purposes.

Sec. 11. That in lieu of the grant of land for purposes of internal improvement made to the new States by the eighth section of the Act of September 4, 1841, which section is hereby repealed as to the State of Idaho, and in lieu of any claim or demand by the said State under the Act of September 28, 1850, and section 2479 of the Revised Statutes, making a grant of swamp and overflowed lands to certain States, which grant is hereby declared, is not extended to the State of Idaho, and in lieu of any grant of saline lands to said State, the following grants of land are hereby made, to-wit: To the State of Idaho: For the establishment and maintenance of a scientific school, 100,000 acres; for State normal school, 100,000; for the support and maintenance of the insane asylum, located at Blackfoot, 50,000 acres; for the support and maintenance of the State university, located at Moscow, 50,000; for the support and maintenance of the penitentiary, located at Boise City, 50,000 acres; for other State, charitable, educational, penal and reformatory institutions, 150,000 acres. None of the lands granted by this Act shall be sold for less than \$10 an acre.

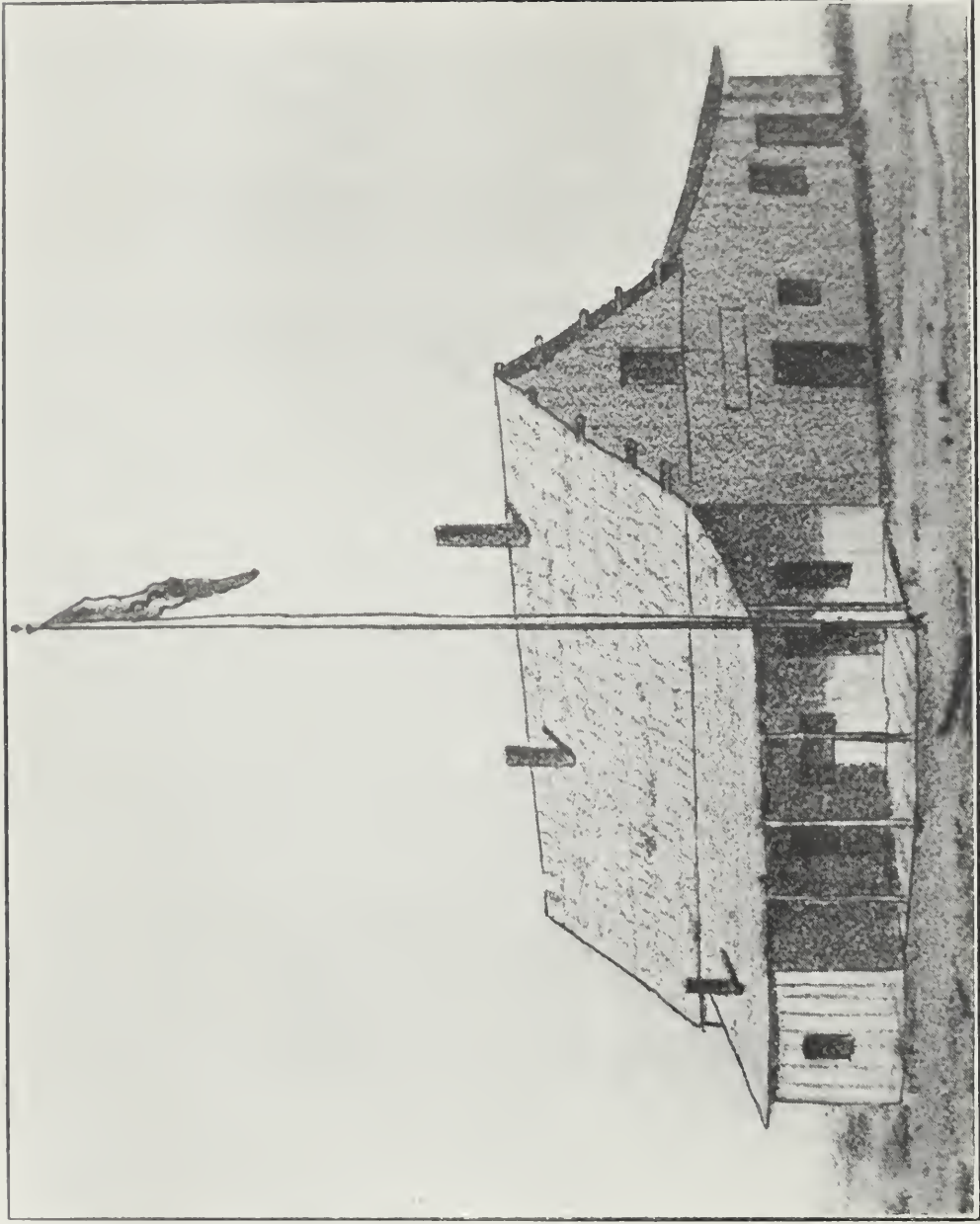
Sec. 12. That the State of Idaho shall not be entitled to any further or other grants of land for any purpose than as expressly provided in this Act. And the lands granted by this section shall be held, appropriated, and disposed of exclusively for the purpose herein mentioned, in such manner as the Legislature of the State may provide.

Sec. 13. That all mineral lands shall be exempted from the grants by this Act. But if sections 16 and 36, or any subdivision, or portion of any smallest subdivision, thereof, in any township, shall be found by the Department of the Interior to be mineral lands, said State is hereby authorized and empowered to select, in legal subdivisions, an equal quantity of other unappropriated lands in said State, in lieu thereof, for the use and the benefit of the common schools of said State.

Sec. 14. That all lands granted in quantity or as indemnity by this Act shall be selected, under the direction of the Secretary of the Interior, from the surveyed unreserved, and unappropriated public lands of the United States, within the limits of the State entitled thereto. And there shall be deducted from the number of acres of land donated by this Act for the specific objects of said State the number of acres heretofore donated by Congress to said Territory for similar objects.

Sec. 15. That the sum of \$28,000, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for defraying the expenses of said convention and for the payment of the members thereof, under the same rules and regulations and at the same rates as are now provided by law for the payment of the Territorial Legislatures, and for elections held therefor and thereunder. And money hereby appropriated not necessary for such purposes shall be covered into the Treasury of the United States.

Sec. 16. That the said State shall constitute a judicial district the name thereof to be the same as the name of the State and the Circuit and District Courts therefor shall be held at the Capital of the State for the time being, and the said district shall, for judicial purposes, until otherwise provided, be attached to the Ninth Judicial Circuit. There shall be appointed for said district one District Judge, one United State Attorney and one United States Marshall. The Judge of said district shall receive a yearly salary of \$3500, payable in four equal installments, on the first days of January, April, July and October of each year, and shall reside in the district. There shall be appointed clerks of said courts in the said district, who shall keep their offices at the Capital of said State. The regular terms of said courts shall be held in said district, at the place aforesaid, on the first Monday in April and the first Monday in November of each year, and only one grand jury and one petit jury shall be summoned in both Circuit and District Courts. The Circuit and District Courts for said district, and the Judges thereof respectively shall possess the same powers and jurisdiction, and perform the same duties required to be performed by the other Circuit and District Courts and Judges of the United States, and shall be governed by the same laws and regulations. This Marshall, District Attorney, and the clerks of the Circuit and District Courts of said district, and all other officers and persons performing duties in the administration of justice therein, shall severally possess the powers and perform



THE L. P. BROWN HOTEL LOCATED AT MOUNT IDAHO.
Here was held the first meeting looking toward the organization of
Idaho Territory, also the first Territorial Republican convention.

the duties lawfully possessed and required to be performed by similar officers in other districts of the United States, and shall, for the services they may perform, receive the fees and compensation allowed by law to other similar officers and persons performing similar duties in the State of Oregon.

Sec. 17. That all cases of appeal or writ of error heretofore prosecuted and now pending in the Supreme Court of the United States upon any record from the Supreme Court of said Territory, or that may hereafter lawfully be prosecuted upon any record from said Court, may be heard and determined by said Supreme Court of the United States; and the mandate of execution or for further proceedings shall be directed by the Supreme Court of the United States to the Circuit or District Court hereby established within the said State from or to the Supreme Court of such State, as the nature of the case may require. And the Circuit, District, and State Courts herein named shall, respectively, be the successors of the Supreme Court of the Territory, as to all such cases arising within the limits embraced within the jurisdiction of such courts, respectively, with full power to proceed with the same, and award mesne or final process therein; and that from all judgments and decrees of the Supreme Court of the Territory mentioned in this Act, in any case arising within the limits of the proposed State prior to the admission, the parties to such judgment shall have the same right to prosecute appeals and writs of error to the Supreme Court of the United States as they shall have had by law prior to the admission of said State into the Union.

Sec. 18. That in respect to all cases, proceedings, and matters now pending in the Supreme or District Courts of said Territory at the time of the admission into the Union of the State of Idaho, and arising within the limits of such State, whereof the Circuit or District Courts by this Act established might have had jurisdiction under the laws of the United States had such Courts existed at the time of the commencement of such cases, the said Circuit and District Courts, respectively, shall be the successors of said Supreme and District Courts of said Territory; and in respect to all other cases, proceedings, and matters pending in the Supreme or District Courts of said Territory at the time of the admission of such Territory into the Union, arising within the limits of said State, the Courts established by such State shall, respectively, be the successors of said Supreme and District Territorial Courts; and all the files, records, indictments, and proceedings relating to any such cases shall be transferred to such Circuit, District, and State Courts, respectively, and the same shall be proceeded with therein in due course of law; but no writ, action, indictment, cause, or proceeding now pending, or that prior to the admission of the State shall be pending, in any Territorial Court in said Territory, shall abate by the admission of such State into the Union, but the same shall be transferred and proceeded with in the proper United States Circuit, District, or State Court, as the case may be: *Provided, however,* That in all civil actions, causes and proceedings in which the United States is not a party, transfers shall not be made to the Circuit and District Courts of the United States, except upon written request of one of the parties to such action or proceeding filed in the proper court; and, in the absence of such request, such cases shall be proceeded with in the proper State courts.

Sec. 19. That from and after the admission of said State into the Union, in pursuance of this Act, the laws of the United States not

locally inapplicable shall have the same force and effect within the said State as elsewhere within the United States.

Sec. 20. That the Legislature of the said State may elect two Senators of the United States as is provided by the Constitution of said State, and the Senators and Representatives of said State shall be entitled to seats in Congress, and to all the rights and privileges of Senators and Representatives of other States in the Congress of the United States.

Sec. 21. That ,until the State officers are elected and qualified under the provisions of the Constitution of said State, the officers of the Territory of Idaho shall discharge the duties of their respective offices under the Constitution of the State, in the manner and form as therein provided; and all laws in force, made by said Territory, at the time of its admission into the Union, shall be in force in said State, except as modified or changed by this Act or by Constitution of this State.

Sec. 22. That all Acts or parts of Acts in conflict with the provisions of this Act, whether passed by Legislature of said Territory or by Congress, are hereby repealed.

Approved, July 3, 1890.

FIRST STATE ELECTION

Governor Shoup's Proclamation:

Whereas, by act of congress approved on the 3rd day of July, 1890. Idaho was admitted into the union of States; and

Whereas, It is provided by the constitution of the State of Idaho, and by said act of congress, that an election shall be held not later than 90 days after the date of the admission for the election of a representative in Congress, and all state legislative, judicial, county, township and other offices created and made elective by the constitution; and

Whereas, It is provided in the aforesaid act of congress that the law for the registration of voters of Idaho shall be enforced at the election held under the constitution; now

Therefore, By authority vested in me as governor, and in compliance with the act of congress admitting into the union the State of Idaho, and under the provisions of the constitution of the State of Idaho, I do hereby direct and proclaim that an election shall be held by the qualified electors of the State of Idaho, at the usual voting places, or in such places as may be provided in each precinct, on the 1st day of October 1890, for the purpose of electing the following officers namely:

(Then follows a list of Congressional, State, County and precinct officers to be voted for).

It should be the ambition of every officer and loyal citizen of Idaho to see that a full vote is polled, and that the election be conducted with that integrity and dignity becoming an American Commonwealth.

I beg to congratulate you fellow citizens on the victory you have won in the hard fought battle for admission into the Union. By your loyal and unflinching efforts you have placed the Gem of the Mountains in the constellation of states.

GEORGE L. SHOUP.

By the Governor.

E. J. CURTIS, Secretary of State.

Done at the City of Boise, the capital of Idaho on the 18th day of July, 1890.

FIRST STATE LEGISLATURE

Extract from the message of Governor Geo. L. Shoup:

I congratulate you, my fellow citizens, upon the auspicious beginning of State government. We have passed out of a position of annoying restraint, of dependence and deprivation of American privileges, and we have entered upon the larger privileges of citizens of the United States. Our magnificent area is ours to develop, enrich and beautify. We have passed through the crisis of a first and most closely contested State election, and can proudly point to the fact that neither victor nor vanquished used influences unworthy of American citizens, or means contrary to the statutes.

The will of the people has been registered in strict conformity to the laws, and the result is accepted in the best spirit of patriotism and good will.

We have the Constitution which challenges the respect of all. Differences of opinion will arise in its interpretation, and the utmost care will need to be exercised by the officers of the government, by the executive, the legislative, and the judicial departments, and by every citizen in the administration of their several trusts. Having but little in the way of precedent to guide us in this transitional period, deliberation, candor and devotion to the best interests of all the people should characterize our official acts.

To you, senators and representatives, it is a pleasant duty to extend a cordial greeting and to congratulate you upon being chosen to constitute the first legislature of the State of Idaho. It is an honor that your successors can never enjoy and there rests upon you a responsibility greater in some degree than will pertain to those who may hereafter occupy this seat of power. To you is entrusted the laying of the corner-stone upon which the superstructure of the State is to rest. You have been selected by your fellow citizens for your competency to perform this great duty, and because they believe in your integrity and patriotism. They expect you to carry into practice the principles of the Constitution, and so to remodel our laws as to place the Constitution and the statutes in complete harmony. The importance of this work cannot be over estimated; its effect will be seen in the prosperity of Idaho, or in the want of it, for many years to come. You should make such wise provisions for the protection of all the vast interests and resources of the State, that it will stand as a living monument of your fidelity and ability. Confident that your labors will be characterized by wisdom and patriotism, and with the assurance of my cordial co-operation in

your labors, I will now proceed to present to you the present condition of public affairs in this State, with such recommendations as my judgment suggests.

THE ENROLLED CONSTITUTION.

Upon the adjournment of the Constitutional convention, the engrossed and enrolled copies of the State Constitution were deposited in the office of the Secretary of the Territory, with the journal, stenographers' reports and other papers.

The Constitution lays down explicit principles and directions, not only regarding the ordinary machinery of government, but concerning trusts, water rights, the disposition of school and other public lands, taxation and revenue. The proper interpretations of the sections relating to these and other topics can be facilitated by the debates of the convention. The printed copies of the Constitution show several variations from the original. I recommend, therefore, that these papers be placed in the hands of a commission, and carefully transcribed and printed under their direction.*

THE STATE'S FIRST SENATORS.

The first Congress of the United States divided the senators present into three classes so that the terms of one-third of them would expire at the end of every two years. The senatorial term beginning and closing March 4th on odd years.

When a new state is admitted its senators are placed in different and the lowest classes, they drawing lots for terms. Idaho's first senators fell into the two classes one of whose terms expired March 4th following the admission of the state and the other four years later. The first legislature which met December 8, 1890, elected Hon. George L. Shoup and Hon. W. J. McConnell as its first U. S. Senators. When lots were drawn the former secured the long and the latter the short term which expired March 4, 1891.

The Legislature at the same time that it elected Shoup and McConnell also elected Hon. Fred T. Dubois to succeed the senator whose term expired March 4, 1891.

The same legislature by joint assembly on February 11 elected William H. Clagett to the same position, the vote stand-

* These papers are just now being transcribed and will soon be issued in book form.

ing Clagett 28, others 4 votes, present and not voting 17, absent and not voting 5. The reason for this action is explained in the following resolution introduced in the State Senate on the 6th day of February 1891.

Whereas, The present session of the Legislature was organized on Tuesday, December 9, 1890; and

Whereas, The state constitution and the admission act require that two United States Senators should be elected within ten days after the organization of the Legislature; and

Whereas, on Tuesday, the 16th day of December, 1890, the Legislature, pursuant to the requirements of the constitution and the admission act, voted for a United States Senator, in the two houses acting separately, and thereafter, as provided by law, met on December 17, in joint assembly, and voted for a United States Senator, and thereafter, on December 18, 1890, again met in joint assembly, and within ten days after its organization, elected, in the manner provided by law, the Hons. George L. Shoup and William J. McConnell United States Senators; and

Whereas, The Legislature thereupon immediately proceeded to vote for Hon. Fred T. Dubois for the term beginning March 4, 1891, in advance of the drawing for terms by the two Senators-elect, in advance of the time fixed by law, without first voting in the two houses acting separately, and against the protest of the members of the joint assembly; and

Whereas, upon full consideration of the facts, it is the opinion of the Legislature, that if the alleged election of said Hon. Fred T. Dubois is not void, there is at least grave doubts as to validity: Therefore,

Resolved by the senate, the house of representatives concurring. That at the hour of 12 o'clock meridian of the first legislative day after the passage of this resolution, the Legislature will proceed to elect a United States Senator to succeed Hon. William J. McConnell, for the term beginning March 4, 1891, and that such election shall be conducted in all respects in the manner provided in section 15 of the Revised Statutes of the United States.

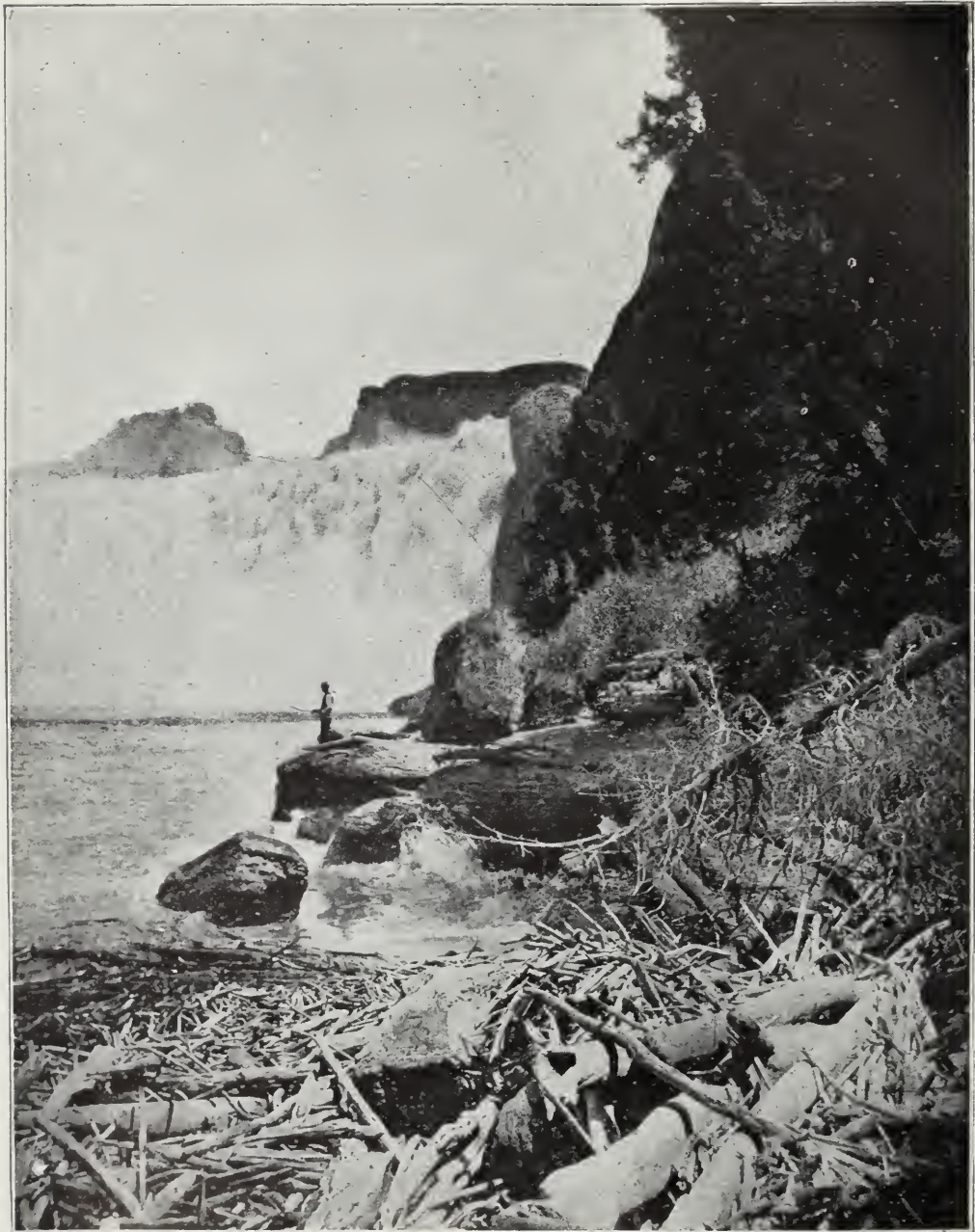
Clagett contested the election of Dubois and was allowed the rare distinction of pleading his own case in the Senate, but at the close of the discussion and investigation the following resolution was introduced.

"Resolved, That Fred T. Dubois is entitled to retain the seat which he now holds as senator from the state of Idaho for the full term beginning March 4, 1891." The result announced was yeas 55, nays 5.

Congressional Record Vol. 23, part 2, 52nd Congress 1st session pp. 1540 and 1676. Journal of the First Legislature.

BOOKS OF REFERENCE

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SHOSHONE FALLS, SOUTHERN IDAHO

CONSTITUTION

Adopted by a Constitutional Convention held at Boise City,
in the Territory of Idaho, August 6, 1889

(The copy of the Constitution, here used, is taken from the revised code.)

PREAMBLE

We, the people of the State of Idaho, grateful to Almighty God for our freedom, to secure its blessings and promote our common welfare, do establish this Constitution.

The agent named in the preamble of the United States Constitution is "We the people." The framers of the constitution of the State of Idaho too name the people as the source of the constitution framed by them. In the national constitution the authors make no reference to a Supreme Being, but in other respects the two preambles are much alike.

Some of the blessings of liberty are freedom of worship, free schools, free press and freedom of speech.

The common welfare is promoted by encouraging the opening up of new farms and new mines, protecting stock from contagious disease, and orchards from pests of various kinds.

ARTICLE I.

DECLARATION OF RIGHTS.

Section 1. All men are by nature free and equal and have certain inalienable rights, among which are enjoying and defending life and liberty, acquiring, possessing and protecting property, pursuing happiness, and securing safety.

After James II had been driven from England, a convention was called which drew up a "Bill of Rights." It recited the illegal acts of the King, stated that he was no

longer sovereign and that the crown should be tendered to William and Mary.

In 1765 delegates from the colonies met and drew up a "Declaration of Rights," setting forth their claims as English subjects, and when this was unnoticed by the King, they issued the "Declaration of Independence" which proclaimed their rights as men.

In Virginia and Massachusetts, where the power to govern was obtained not from sovereign or constitution but from the people, it was sought to maintain the political liberty of the individual and freedom in his home affairs. For this purpose "Bills of Rights" were introduced in the colonial charters. When the national constitutional was adopted similar safeguards were introduced in the first ten amendments which are sometime considered a "Bill of Rights."

In the older countries society is divided into classes. One is a prince or a peasant by birth and not by any act of his own; but in this country all are equal whatever rank or station in life they may occupy. A man may have a right to a piece of property, but he can sell or lose it; he may possess a political right, but by the commission of some crime he forfeits it.

There are certain other rights given him by law, which he can neither sell nor lose, these are termed "inalienable." He has the right to life and can defend it to the extent of taking the life of another; he cannot be deprived of liberty, except by due process of law.

Nothing so stimulates man to labor as the fact that he may possess the product of his own toil, (Article XIII Section 6) and the whole executive authority of the state is at the service of every citizen to insure his safety.

Sec. 2. All political power is inherent in the people. Government is instituted for their equal protection and benefit, and they have the right to alter, reform or abolish the same whenever they may deem it necessary, and no special privileges or immunities shall ever be granted, that may not be altered, revoked, or repealed by the Legislature.

Almost to the time of the formation of the American Government, Kings, Emperors and Czars were supposed to possess all political power except what they might grant to the people.

The Constitution of the United States treats the political powers of man as being inherent instead of delegated, that is, given him by nature rather than by governments. Lincoln expressed the same thought when he spoke of a "Government of the people, by the people, for the people."

In the early history of England, the punishment for the murder of a man of high rank was twentyfour hundred shillings while the life of an ordinary freeman was valued at only two hundred shillings; but in the United States all men are equal before the law.

The Constitution of the State of Idaho may be changed by amendment; and the laws passed under it may be altered by repealing, allowing them to expire by limitation, or by passing new laws.

Part 1 Section 10 of Article I of the Constitution of the United States denies to the State the power to pass any law impairing the obligation of contract. But the State Legislature may not grant any privilege or immunity, which any subsequent legislature may not recall. This will prevent our legislators from doing an irreparable injury, and is only exercising the right guaranteed by a "fundamental principle of American Law."

Sec. 3. The State of Idaho is an inseparable part of the American union, and the Constitution of the United States is the supreme law of the land.

Until the time of the Civil War many people believed that the adoption of the Constitution merely established a league between sovereign states and that they could withdraw from the union at pleasure. But since that time the states have been regarded as an inseparable part of the union, many of them so declaring in their constitution.

Sec. 4. The exercise and enjoyment of religious faith and worship shall forever be guaranteed; and no person shall be denied any civil or political right, privilege, or capacity on account of his religious opinions; but the liberty of conscience hereby secured shall not be construed to dispense with oaths or affirmations, or excuse acts of licentiousness or justify polygamous or other pernicious practices, inconsistent with morality or the peace or safety of the State; nor to permit any person, organization, or association to directly or indirectly aid or abet, counsel or advise, any person to commit the crime of bigamy or polygamy, or any other crime. No person shall be required to attend or support any ministry or place

of worship, religious sect or denomination, or pay tithes against his consent; nor shall any preference be given by law to any religious denomination or mode of worship. Bigamy and polygamy are forever prohibited in the State, and the Legislature shall provide by law for the punishment of such crimes.

The first amendment to the Constitution of the United States denies to Congress the power to establish any church, or prohibit any form of religious worship. Everyone is protected in his religious beliefs and practices so long as they do not interfere with the rights of another or his duty to his state or nation; but one cannot violate a law on the ground that his belief or his obligation to his church demands it.

Previous to the Revolutionary War some of the English colonies, as well as all the people in Great Britain, paid a regular tax for the support of the "Established Church." In the United States, since that time, all contributions have been voluntary in the sense that they can not be collected in the Civil Courts.

In regard to the privileges granted or practices denied any citizen, in his religious belief, the constitution of Idaho conforms very closely to that of the nation.

Sec. 5. The privilege of the writ of habeas corpus shall not be suspended unless, in case of rebellion or invasion, the public safety requires it, and then only in such manner as shall be prescribed by law.

An arrest is usually made by reading a warrant, which recites the cause of the arrest, to the person arrested. When one is taken into custody by an officer, he or his attorney can get out a writ of habeas corpus which will force the one detaining him to go into court and give a legal reason for his detention. This writ is used not only in case of a prisoner but also in the case of insane persons and children.

To suspend this writ means that one may be imprisoned without any immediate reason being given for his imprisonment. This is an extreme measure and can be resorted to only in the instances mentioned.

Thousands of arrests were made during the Civil War, but it would have worked a great hardship on the government if it had been forced to give reasons in each case or set the prisoner free, as the ordinary methods in the courts could not

be followed. Sometimes in time of peace the lawless element will obtain control, then one's life might be endangered by testifying as a witness, or sitting on a jury. In such cases the writ may be suspended by the Governor, or the President of the United States and martial law proclaimed when men will be tried by military rather than by statute law.

Sec. 6. All persons shall be bailable by sufficient sureties, except for capital offenses, where the proof is evident or the presumption great. Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

When one is arrested, because he is supposed to be guilty of some crime, he cannot always be tried at once.

In this event he is given a preliminary trial, and if there is a probability of guilt he must go to jail, or give bail for his appearance when court convenes.

Surety means that the prisoner deposits, with the proper officer, a certain amount of money or has some reputable person or persons sign a bond agreeing to pay so much to the state in case he does not appear at the proper time and place for trial.

Crimes are classified and the minimum and maximum amount of bail required for each is fixed by law. The penalty for murder is death and no amount of bail would be large enough to induce one to stand trial when guilty, so this crime is not bailable. What is meant by the proof being evident or presumption being great must be determined by the officer before whom the accused has his preliminary trial.

Sec. 7. The right of trial by jury shall remain inviolate but in civil actions three-fourths of the jury may render a verdict, and the Legislature may provide that in all cases of misdemeanors five-sixths of the jury may render a verdict. A trial by jury may be waived in all criminal cases not amounting to felony by the consent of both parties, expressed in open court; and in civil actions by the consent of the parties signified in such manner as may be prescribed by law. In civil actions and cases of misdemeanor the jury may consist of twelve or of any number less than twelve, upon which the parties may agree in open court.

The jury system which has been quite generally adopted in English speaking nations is an English institution. The method termed compurgation was first used. This allowed a man accused of crime, to swear that he was innocent, and to

get others to swear that they believed his oath. This cleared him.

When the Normans conquered England they brought with them the custom of settling disputes by fighting duels. This being objected to, the King submitted the case to twelve Knights in the neighborhood, acquainted with the facts in the case and this was the origin of the petit jury.

After the Kingdom became too large for the King to visit every part of it, that he might hear and settle disputes, Judges were sent to circuits laid out by him from each of which sixteen men were selected to report to these Judges all crimes committed in their circuit. This was the origin of the Grand Jury. This method of administering justice has always been jealously guarded by the American people.

Sec. 8. No person shall be held to answer for any felony or criminal offense of any grade, unless on presentment or indictment of a grand jury or on information of the public prosecutor, after a commitment by a magistrate, except in cases of impeachment, in cases cognizable by probate courts or by justices of the peace, and in cases arising in the militia when in actual service in time of war or public danger; *Provided*, That a grand jury may be summoned upon the order of the District Court in the manner provided by law; And *Provided, further*, That after a charge has been ignored by a grand jury, no person shall be held to answer or for trial therefor upon information of the public prosecutor.

A civil case is a violation of contract and is usually an action at law between individuals. Criminal cases are divided into misdemeanor and felony. The former is a crime punishable by a small fine, or imprisonment in the county jail, while the latter includes all crimes punishable by death or imprisonment in the penitentiary.

The petit jury usually consists of twelve men who are not related by blood, or in any business way to either of the parties to the case, and who have formed no opinion in the case to be tried.

In a civil case where the matter in dispute is monetary a majority of three-fourths is considered fair; in a case of misdemeanor where the penalty is small, five-sixths are allowed to render a verdict, but in a capital case where a man's life is at stake the verdict must be unanimous. No one shall be deprived of life or liberty except it be by due process of law

which means that in a trial the conditions mentioned in this section as well as those in Section 13 are complied with.

The grand jury, composed of from fifteen to twenty-three men from all parts of the county, investigate every probable violation of law known or made known to them. Whenever there is probable guilt they find what is termed a "true bill," in which case the county attorney draws a complaint against the party or parties indicted.

This charges him or them with having committed a certain crime. They are then arrested and forced to give bail, or go to prison until the next meeting of the district court when they are tried before a petit jury.

But the grand jury is not always in session so the county attorney, or anyone else, may swear out a warrant for the arrest of a person and have him brought before a Justice of the Peace or Probate Judge, where his probable guilt or innocence is determined; if there be sufficient evidence he is "bound over" as in the case of the grand jury.

Exceptions are made in the case of impeachment where the senate is the trial court, or the militia, in actual service when the accused is tried by "Court Martial."

Sec. 9. Every person may freely speak, write and publish, on all subjects, being responsible for the abuse of that liberty.

Freedom of speech and the press is guaranteed both by the National and the State constitution yet in either case, where this privilege is abused by doing that which is injurious to another, the individual may be punished for it.

Sec. 10. The people shall have the right to assemble in a peaceable manner to consult for their common good; to instruct their representatives, and to petition the Legislature for the redress of grievances.

Whether or not an assembly of citizens may be dispersed by an officer will depend upon the object for which they assembled. If the meeting be for their common good, as for instance, a matter of business or of pleasure they have a perfect right to come together.

Representatives are servants of the people who elect them and they may at any time be instructed by the people. This is rarely done and the instructions when given are of an advisory

rather than of a compulsory character. Again the people have the right to petition their representatives to pass certain laws or to repeal others.

Ssec. 11 The people shall have the right to bear arms for their security and defense; but the Legislature shall regulate the exercise of this right by law.

Self defense is sometimes said to be the first law of nature, nothing is more sacred than life and it is perfectly right to take every means for its legitimate protection; yet the carrying of arms is often, not so much a matter of lawfully protecting one's life as of unlawfully taking that of another. The states therefore usually prohibit the carrying of concealed weapons.

Sec. 12. The military shall be subordinate to the civil power; and no soldier in time of peace shall be quartered in any house without the consent of its owner, nor in time of war except in the manner prescribed by law.

The billeting or quartering of troops in private houses was one of the immediate causes of the American Revolution.

The governor, who is the highest civil officer in the state, is commander in chief of the military forces of his state, and when he deems it necessary can call out the militia. Each city and county, has, ordinarily, a sufficient police power to enforce the law, and the same may be said of the state. The soldier is regarded as a man of war and his presence in times of peace is usually resented by the civilian.

Sec. 13. In all criminal prosecutions, the party accused shall have the right to a speedy and public trial; to have the process of the court to compel the attendance of witnesses in his behalf, and to appear and defend in person and with counsel.

No person shall be twice put in jeopardy for the same offense; nor be compelled in any criminal case to be a witness against himself, nor be deprived of his life, liberty or property without due process of law.

There are two general kinds of law, civil and criminal, the former has to do with contracts, the latter with crime.

Individuals are usually the plaintiffs in civil cases while in criminal cases it is always the state. Anyone accused of crime is given every opportunity, by the state, to establish his innocence.

The State compels the attendance of witnesses in his behalf, when he is not able, furnishes him with counsel, conducts his

trial openly and requires him to be present though he is not compelled to go on the witness stand, nor can he be deprived of life, liberty or property unless he has been given a fair trial and judgment has been rendered against him. When a trial has been held and a verdict rendered, the accused cannot be subjected to a second trial on the same charge although he himself, if he so desires it may often times get a new trial.

Sec. 14. The necessary use of lands for the construction of reservoirs or storage basins, for the purposes of irrigation, or for the rights of way for the construction of canals, ditches, flumes or pipes to convey water to the place of use, for any useful, beneficial or necessary purpose, or for drainage; or for the drainage of mines, or the working thereof, by means of roads, railroads, tramways, cuts, tunnels, shafts, hoisting works, dumps, or other necessary means to their complete development, or any other use necessary to the complete development of the material resources of the State or the preservation of the health of its inhabitants, is hereby declared to be a public use, and subject to the regulation and control of the State.

Private property may be taken for public use, but not until a just compensation, to be ascertained in a manner prescribed by law, shall be paid therefor.

When land is obtained from the government, it is held by the owner, to the exclusion of any other than the state or nation, either of which may take it for any public purpose, by paying the holder, what an impartial jury may consider it worth. This is known as the right of eminent domain or the right of taking private property for public use.

It requires a large expenditure of money to construct storage reservoirs, flumes and ditches for the draining or distribution of large quantities of water. The state, therefore, very wisely and justly guarantees, companies or individuals making such expenditures, special rights and privileges.

Sec. 15. There shall be no imprisonment for debt in this State except in cases of fraud.

Formerly in the colonies, and in some of the States, many people, who were otherwise honest and upright, were thrown into prison because of being unable to pay their debts.

Our state constitution prohibits this except in cases where an individual is in debt, as an officer, because of public money collected and not turned over to the proper authorities.

Sec. 16. No bill of attainder, ex post facto law, or law impairing the obligation of contracts, shall ever be passed.

A bill of attainder is a conviction, after a legislative, rather than a judicial trial.

In olden times English Kings sometimes, when they desired to get possession of some rich estate, or to get rid of its owner, who might be a powerful yet troublesome man, would by a legislative act, have him executed and his estate confiscated. And ever afterwards all property that would have gone to his heirs went to the State or King instead.

An *ex post facto* law is a law making an offense a crime that was not a crime when committed. For example say, today there is no law in the state against kidnapping and a child is taken; at the next meeting of the legislature a law is passed making such an offense a crime punishable by imprisonment in the penitentiary. The kidnapper, who took the child before the law was passed, could not be punished for it, if caught, after the law was passed.

A law impairing the obligation of contract is one that destroys or changes a contract already entered into either between individual persons or between individuals and the state, as in the case of a charter of some kind.

Sec. 17. The right of the people to be secure in their persons, houses, papers and effects against unreasonable searches and seizures, shall not be violated; and no warrant shall issue without probable cause shown by affidavit, particularly describing the place to be searched and the person or thing to be seized.

The home is regarded as sacred, and no one can enter it except by permission from its owner, unless it be an officer, who acts in accordance with the law. The officer himself must be supplied with a warrant, describing the person or thing sought, and giving reasons for thinking the one or the other, is in the house to be searched.

Sec. 18. Courts of justice shall be open to every person, and a speedy remedy afforded for every injury of person, property or character, and right and justice shall be administered without sale, denial, delay, or prejudice.

The rights of every person can always be enforced in some of the courts established by the State Legislature. One may go before a justice of the peace, or the probate judge at any time, and the District Court holds regular sessions. None of the presiding officers of these courts can deny any one the right to invoke the power of the law to enforce his rights.

Sec. 19. No power, civil or military, shall at any time interfere with or prevent the free and lawful exercise of the right of suffrage.

Sovereignty in Idaho is vested in the people, and suffrage, or the right to vote, is their means of exercising this power.

All laws of the State are made by representatives chosen by the people in popular elections; hence to interfere in any way with their right to vote would be to deny them the right of self government.

Sec. 20. No property qualification shall ever be required for any person to vote or hold office except in school elections or elections creating indebtedness.

A property qualification for voting is not required, except in cases where debt is created.

The wealth of the community is always in the hands of the people, and since majorities rule, the right of the minority could not always be guarded, were it not for this clause.

Sec. 21. This enumeration of rights shall not be construed to impair or deny other rights retained by the people.

In the beginning all power was held by the people, but they, by the constitution, delegated certain powers to the state.

In the twenty-one sections comprising this Declaration of Rights, many rights of the people are enumerated, but this closing section emphasizes the fact, that the people have other rights aside from those enumerated.

ARTICLE II.

DISTRIBUTION OF POWER.

Section 1. The powers of the government of this State are divided into three distinct departments, the legislative, executive and judicial, and no person or collection of persons charged with the exercise of powers properly belonging to one of these departments, shall exercise any powers properly belonging to either of the others, except as in this Constitution expressly directed or permitted.

History has shown that governments are administered most satisfactorily when the law making, the law judging, and the law enforcing powers are separate.

In the United States these three departments are found in National, State, County and City governments. It is true that the governor exercises some legislative power in that every bill, before it becomes a law, is presented to him for his signature. The Legislature exercises a certain amount of judicial power, as in the case of impeachment; and the judicial department exercises a certain amount of executive authority, yet in the main each of these Departments performs separate and distinct functions.

ARTICLE III.

LEGISLATIVE DEPARTMENT.

Section 1. The legislative power of the State, shall be vested in a Senate and House of Representatives. The enacting clause of every bill shall be as follows: "Be it enacted by the Legislature of the State of Idaho."

The framers of the constitution of Idaho followed the precedent set in the National Constitution, as well as that of many of the older states, in providing for equal representation of the counties in the upper house and proportional in the lower.

The two houses are in a sense rivals and each examines, very carefully, every bill passed by the other. All bills before they become a law must pass both houses.

Every law has an enacting clause, which recites the fact that it was enacted by the "Legislature of the State of Idaho," and, without such a clause, the law would be void.

Sec. 2. The Senate shall consist of eighteen members, and the House of Representatives of thirty-six members. The Legislature may increase the number of Senators and Representatives: *Provided* The number of Senators shall never exceed twenty-four, and the House of Representatives shall never exceed sixty members. The Senators and Representatives shall be chosen by the electors of the respective counties or districts into which the State may from time to time be divided by law.

Since the exact number of members of each house is determined by the legislature itself, it is wise that the maximum number should be fixed by the constitution, otherwise the membership of the House might become too large.

Ordinarily the law provides that each county shall have representation both in the Senate and in the House. But since the Constitution limits the number of Senators to twenty-four

and the number of counties now exceed this number it will not be possible for each county to be represented in the Senate until the Constitution is amended.

Sec. 3. The Senators and Representatives shall be elected for the term of two years, from and after the first day of December next following the general election.

The Senators and Representatives are elected biennially, by the qualified electors. Their term of office begins the first of December following their election on the first Tuesday after the first Monday in November, and continues for two years.

Sec. 4. The members of the first Legislature shall be apportioned to the several legislative districts of the State in proportion to the number of votes polled at the last general election for Delegate to Congress, and thereafter to be apportioned as may be provided by law: *Provided*, Each county shall be entitled to one representative.

Before Idaho became a State it was a regularly organized territory and sent a delegate to Congress. The total number of votes cast for this delegate was divided by eighteen, the number of Senators in the first legislature, and this would give the number that constituted a senatorial district. The representative districts were determined in the same way with the provision that each county must have at least one representative.

Sec. 5. A Senatorial or Representative district, when more than one county shall constitute the same, shall be composed of contiguous counties and no county shall be divided in creating such districts.

Contiguous means touching; were this requirement not made the State might be so divided, that a district would be composed of parts situated in wholly different portions of the State. Again the political party in power might district the State in such a manner that only members of that particular party would be elected. This is called Gerrymandering.

Sec. 6. No person shall be a Senator or Representative who at the time of his election is not a citizen of the United States and an elector of this State, nor any one who has not been for one year next preceding his election an elector of the county or district whence he may be chosen.

More than one-third of the States allow persons, not citizens of the United States, to vote in their elections; but in this State a Senator or Representative, must not only be a citizen of the United States, but an elector, at least one year, in the

district which he represents. This will give him time to learn the needs of the people whom he represents.

Sec. 7. Senators and Representatives, in all cases except for treason, felony, or breach of the peace, shall be privileged from arrest during the session of the Legislature, and in going to and returning from the same, and shall not be liable to any civil process during the session of the Legislature, nor during the ten days next before the commencement thereof; nor shall a member for words uttered in debate in either house be questioned in any other place.

Public business is regarded of more importance than private and for this reason the States, as well as the Nation, grant their legislators the privileges mentioned in this section. Treason, breach of the peace, misdemeanor, felony and "civil process" embrace practically all cases upon which any judicial tribunal may take action.

That there may be perfect freedom in the discussion of all questions that come up in the legislature, the members can not be legally called to account for anything said in either house.

Sec. 8. The sessions of the Legislature shall, after the first session thereof, be held biennially, at the Capital of the State, commencing on the First Monday after the first day of January, and every second year thereafter, unless a different day shall have been appointed by law, and at other times when convened by the Governor.

The legislature, except the first which convened on December 8, 1890, meets biennially, on the first Monday after the first day of January in the odd years.

A day instead of a date is mentioned as the time of meeting, because any date named might some years fall on Sunday or New Year's day; the legislature may by law name a different day for convening.

Sec. 9. Each house when assembled, shall choose its own officers, judge of the election, qualifications, and returns of its own members, determine its own rules of proceedings, and sit upon its own adjournments; but neither house shall, without the concurrence of the other, adjourn for more than three days, nor to any other place than that in which it may be sitting.

The right to select its own officers is one exercised by every deliberative body; about the only exceptions to this rule being those of the Vice President, who is President of the United States Senate, and the Lieutenant Governor, who is President of the State Senate.

The qualifications for membership in either house are pre-

scribed in the constitution itself; yet one may possess these qualifications and still be denied admission for reasons, which in the judgment of the house, render him unfit for membership. Each house adopts the rules for its own government; may not adjourn without the consent of the other, for more than three days and to no other place than that where the legislature is in session.

Sec. 10. A majority of each house shall constitute a quorum to do business, but a smaller number may adjourn from day to day, and may compel the attendance of absent members in such manner and under such penalties as such house may provide. A quorum being in attendance, if either house fail to effect an organization within the first four days thereafter, the members of the house so failing shall be entitled to no compensation from the end of the said four days until an organization shall have been affected.

One more than half the number in either house constitutes a quorum to do business, but a smaller number may meet and issue warrants, which when placed in the hands of the sergeant at arms, will give him the authority to arrest and compel the attendance of absent members.

Four days are given the members of the legislature in which to organize; any delay after this time is at the expense of the members themselves. This is to prevent factional fights among politicians, or others, who might be able to delay organization in order to bring the pressure of public opinion to bear upon members to force them to do the bidding of interested parties.

Sec. 11. Each house may, for good cause shown, with the concurrence of two-thirds of all the members, expel a member.

It may be discovered after election that a member, who possessed all the qualifications required for the office, has shown himself unworthy of the position to which he has been elected. Punishment by the house is the only remedy; but that this privilege may not be abused for partisan, or other unjust reasons a two-thirds majority is required to expel a member.

Sec. 12. The business of each house, and of the committee of the whole, shall be transacted openly and not in secret session.

For the consideration of all bills introduced, each house is divided into a number of committees but some times a bill is not referred to any committee but considered by all the members acting together. This is termed a "committee of the

whole." But whether acting jointly, or separately, it is right that the people should, at all times, know what their legislators are doing. Private individuals or newspaper reporters are admitted to either house, the public therefore is informed of every motion made, speech delivered or law passed.

Sec. 13. Each house shall keep a journal of its proceedings; and the yeas and nays of the members of either house on any question, shall at the request of any three members present, be entered on the journal.

A journal is simply a record of the proceedings of the house, kept by its clerk. Yeas and nays are the calling of the roll when members announce whether they vote for, or against, any measure pending before the house. Their vote is made a matter of record by the clerk. This is supposed to insure more careful consideration of the question upon which the members are called to vote.

Sec. 14. Bills may originate in either house, but may be amended or rejected in the other, except that bills for raising revenue shall originate in the House of Representatives.

The two houses are coordinate, that is of equal power, but the lower is the larger and is supposed more nearly to represent the people. For this reason all bills that have to do with money originate here. This is the custom followed in the Congress of the United States and in some of the States.

Sec. 15. No law shall be passed except by bill, nor shall any bill be put upon its final passage until the same, with the amendments thereto, shall have been printed for the use of the members; nor shall any bill become a law unless the same shall have been read on three several days in each house, previous to the final vote thereon: *Provided*, In case of urgency, two-thirds of the house where such a bill may be pending may, upon a vote of the yeas and nays, dispense with this provision. On the final passage of all bills they shall be read at length, section by section, and the vote shall be yeas and nays upon each bill separately, and shall be entered upon the journal; and no bill shall become a law without the concurrence of a majority of the members present.

All bills before being voted upon must be read three times, and on separate days. On the second reading, the members are supplied with printed copies of the bill. The third reading is section by section. No law then, need be passed until it has careful consideration.

In case of some great emergency as a great calamity of fire, flood or pestilence, or in case of an insurrection, where

immediate action is necessary, the above provisions may be dispensed with by a two-thirds yea and nay vote. Since a majority, that is one more than half, constitutes a quorum and a majority of a quorum is necessary to pass a law, one more than one-fourth of the members is the smallest number that can pass a law.

Sec. 16. Every act shall embrace but one subject and matters properly connected therewith, which subject shall be expressed in the title; but if any subject shall be embraced in an act which shall not be expressed in the title, such act shall be void only as to so much thereof as shall not be embraced in the title.

From one-half to two-thirds, of the members of the legislature, are inexperienced in law making and many of them are more interested in passing laws, or making appropriations that are favorable to some particular line of business or locality than that which will be for the public good. Therefore in the large number of bills introduced and in the rush to get them passed it would be natural for the members not to examine carefully anything but the subject of a bill.

Sec. 17. Every act or joint resolution shall be plainly worded, avoiding as far as practicable the use of technical terms.

Laws should be so worded that they are capable of only one interpretation. Legal terms and phrases perfectly clear, to one acquainted with law may not be understood by him who is not. The same words may be given different meanings by different persons. For these as well as other reasons every proposed law, which is to affect the people of the whole state, should be very carefully worded.

Sec. 18. No act shall be revised or amended by mere reference to its title, but the section as amended shall be set forth and published at full length.

Sec. 19. The Legislature shall not pass local or special laws in any of the following enumerated cases, that is to say:

Regulating the jurisdiction and duties of justices of the peace and constables.

For the punishment of crimes and misdemeanors.

Regulating the practice of the courts of justice.

Providing for a change of venue in civil or criminal actions.

Granting divorces.

Changing the names of persons or places.

Authorizing the laying out, opening, altering, maintaining, working on, or vacating roads, highways, streets, alleys, town plats, parks, cemeteries, or any public grounds not owned by the State.

Summoning and empaneling grand and trial juries, and providing for their compensation.

Regulating county and township business, or the election of county and township officers.

For the assessment and collection of taxes.

Providing for and conducting elections, or designating the place of voting.

Affecting the estates of deceased persons, minors or other persons under legal disabilities.

Extending the time for collection of taxes.

Giving effect to invalid deeds, leases or other instruments.

Refunding money paid into the State treasury.

Releasing or extinguishing, in whole or in part, the indebtedness, liability or obligation of any person or corporation in this state, or any municipal corporation therein.

Declaring any person of age, or authorizing any minor to sell, lease or encumber his or her property.

Legalizing as against the State the unauthorized or invalid act of any officer.

Exempting property from taxation.

Changing county seats, unless the law authorizing the change shall require that two-thirds of the legal votes cast at a general or special election shall designate the place to which the county seat shall be changed: *Provided*, That the power to pass a special law shall cease as long as the Legislature shall provide for such change by general law: *Provided further*, That no special law shall be passed for any one county oftener than once in six years.

Restoring to citizenship persons convicted of infamous crimes.

Regulating the interest on money.

Authorizing the creation, extension or impairing of liens.

Chartering or licensing ferries, bridges or roads.

Remitting fines, penalties or forfeitures.

Providing for the management of common schools.

Creating offices, or prescribing the powers and duties of officers in counties, cities, townships, election districts or school districts, except as in this constitution otherwise provided.

Changing the law of descent or succession.

Authorizing the adoption or legitimization of children.

For limitation of civil or criminal actions.

Creating any corporation.

Creating, increasing or decreasing fees, percentages, or allowances of public officers during the term for which said officers are elected or appointed.

Special legislation as a rule should be avoided and only laws of universal application, in the state, should be passed.

A law might be enacted affecting one State institution, without doing an injustice to any of the others, as they are created for different purposes.

But by an examination of the "cases" enumerated it will be seen that they have reference to the State as a whole, and not to individual persons or institutions, and should therefore be governed by general and not special laws.

Sec. 20. The Legislature shall not authorize any lottery or gift enterprise under any pretense or for any purpose whatever.

In the early history of the United States the custom of obtaining money by means of a lottery was quite common. "It was with the money collected from the sale of lottery tickets that Massachusetts encouraged cotton spinning, and paid the salaries of many of her officers; that the city hall at New York was enlarged; the court house was rebuilt at Elizabeth, that the library was increased at Harvard, the many of the most pretentious buildings were put up at the Federal City."

Today the United States government refuses to countenance, or in any way assist, a lottery and the State of Idaho prohibits by law (passed in 1899) nearly all forms of gambling. Unfortunately the elements of chance are still resorted to by some business men to further their interests. The courts have not yet decided what constitutes a gift enterprise.

Sec. 21. All bills or joint resolutions passed shall be signed by the presiding officers of the respective houses.

The Speaker is the presiding officer of the House of Representatives, and the Lieutenant Governor that of the Senate. The signature of these officers to any bill is an evidence that it passed the houses over which they preside.

Sec. 22. No act shall take effect until sixty days from the end of the session at which the same shall have been passed, except in case of emergency, which emergency shall be declared in the preamble or in the body of the law.

Sixty days are ordinarily given after a law is passed before it goes into effect. This gives an opportunity for the people to become acquainted with it before it can be enforced. There are instances, where this delay is not necessary as in the case of an appropriation to relieve some public necessity.

Sec. 23. Each member of the Legislature shall receive for his services a sum not exceeding five dollars per day from the commencement of the session, but such pay shall not exceed for each member, except the presiding officers, in the aggregate, three hundred dollars for per diem allowances for any one session; and shall receive each the sum of ten cents per mile each way by the usual travel route.

When convened in extra session by the Governor, they shall each receive five dollars per day; but no extra session shall continue for a longer period than twenty days, except in case of the first session of the Legislature. They shall receive such mileage as is allowed for regular sessions. The presiding officers of the Legislature shall each, in virtue of his office receive an additional compensation equal to one-half his per diem allowance as a member. *Provided*. That whenever any member of the Legislature shall travel on a free pass in coming to or returning from the session of the Legislature, the

number of miles actually traveled on such pass shall be deducted from the mileage of such member.

The function of the legislator is one of service to his State, rather than of money making for himself. But the State cannot ask him to donate his services, and at the same time pay his own expenses. He is therefore allowed five dollars per day for every day's service up to sixty, and ten cents per mile going to and from his home, along the usual travelled route. The distance traveled by the legislator (1907) varied from fifty to eleven hundred and twelve miles.

The presiding officers of the House and Senate are allowed two dollars and fifty cents per day in addition to that paid the regular members. There is a penalty attached to using a pass because it obligates the legislator to the company which issues it.

Sec. 24. The first concern of all good government is the virtue and sobriety of the people, and the purity of the home. The Legislature should further all wise and well directed efforts for the promotion of temperance and morality.

The home is regarded as the foundation of all good government, hence its purity should be guarded in every way possible. Much has been done, gambling and certain other vices are prohibited by law and the effects of Narcotics and Stimulants on the human system, are required to be taught in the public schools of the State.

Sec. 25. The members of the Legislature shall, before they enter upon the duties of their respective offices, take or subscribe the following oath or affirmation; "I do solemnly swear, (or affirm, as the case may be) that I will support the Constitution of the United States, and the Constitution of the State of Idaho, and that I will faithfully discharge the duties of Senator (or Representative, as the case may be) according to the best of my ability." And such oath may be administered by the Governor, Secretary of State, or Judge of the Supreme court, or Presiding Officer of either house.

Practically every officer in the United States, whether National, State, City or County, is required to take an oath or affirmation before entering upon the duties of his office. The taking of an oath causes one more fully to realize the responsibility of the office which he is to fill and is a test of his loyalty to the institution whose interest he is to serve. The following is the form of an oath taken in 1776:

I, A. B., do swear or affirm that I will to the utmost of my

power, support, maintain, and defend the Constitution of South Carolina, as established by Congress on the 26 day of March, 1776, until the legislative authority of this state shall determine otherwise.

American Archives 5th Session, Vol 3, p. 56.

ARTICLE IV:

EXECUTIVE DEPARTMENT.

Section 1. The executive department shall consist of a Governor, Lieutenant Governor, Secretary of State, State Auditor, State Treasurer, Attorney General and Superintendent of Public Instruction, each of whom shall hold his office for two years beginning on the first Monday in January next after his election, except as otherwise provided in this Constitution. The officers of the executive department, excepting the Lieutenant Governor, shall during their terms of office, reside at the seat of government, where they shall keep the public records, books and papers. They shall perform such duties as are prescribed by this constitution and as may be prescribed by law.

The Executive Department—The administration of state government is largely through executive offices, boards and commissions that are responsible to the governor.

EXECUTIVE OFFICERS

Secretary of State—The secretary of state keeps a register of and attests the official acts of the governor, affixes the great seal to commissions, pardons and other public instruments signed by the governor; records the bonds of all state officers filed with him and is the custodian of all state papers.

Auditor—The auditor is a sort of financial bookkeeper for the state of all moneys received and expended. He examines all accounts against the state and, when authorized by the proper board, issues warrants for their payment.

Treasurer.—The treasurer is custodian of all moneys belonging to the state, and pays warrants drawn by the auditor and bonds, as well as interest, when due. He keeps on deposit in the various banks of the state, all money belonging to the several current funds in the State Treasury.

Attorney General—This officer is the legal advisor of the state in all cases where it is a party, and when called upon, instructs any county or state officer as to the legal method of procedure in any given case. He also construes questions of law.

Superintendent of Public Instruction—(See School Laws).

State Engineer—(See Art. XV, Sec. 1.)

State Insurance Commissioner—This officer is charged with the execution of all laws relating to insurance companies doing business in this state; is ex-officio state examiner and keeps an exact inventory of all chattel property belonging to the state, showing its location, use and cost; enforces so far as possible a uniform system of bookkeeping by state and county officers; ascertains the financial standing of bondsmen of state and county officers. In the performance of his duties he may examine the books or accounts of any county or state officers.

Bank Commissioner—Every bank within the state is compelled to comply with the laws regulating the manner of the investment of its funds, resources, loans, reports, etc., in order that it may be a safe institution. It is the duty of the Bank Commissioner to see that the bank complies with the law and for this purpose he must visit each bank at least once annually and may visit at any time, examining its books or officers.

State Board of Medical Examiners—This Board consists of members representing not less than three schools of medicine. All members shall be graduates of reputable medical colleges. No person will be allowed to practice medicine within this state until he has submitted to this board his diploma granted by some reputable medical college and has passed a satisfactory written examination on questions submitted by this board.

State Board of Dental Examiner—Five legally practicing dentists constitute this board. They examine all applicants and issue certificates to all persons who successfully pass the required examinations.

Board of Pharmacy—This board shall consist of three licensed pharmacists. They conduct the examination of all applicants for a license to sell drugs, pass upon the credentials of those who seek a license on the grounds of having practiced pharmacy in other states and examine any patent medicine offered for sale.

Board of Pardons—(See Art. IV, Sec. 7.)

Board of Examiners—(See Art. IV, Sec. 18.)

Board of Prison Commissioners—(See Art. IV, Sec. 11.)

State Land Board—(See Art IX, Sec. 9.)

Fish and Game Warden—There are laws in regard to the number and time of killing game, method of killing or catching of fish and it is the duty of this office to see that the laws are observed.

Boards of Arbitration—(See Art. XIII, Sec. 7.)

Bureau of Immigration, Labor and Statistics—(See Art. XIII, Sec. 1.)

Inspector of Mines—That mines may be made safe and sanitary, that there may be no conflict as to ownership, certain requirements are made of all who locate or work mines. These regulations are enforced by the mine inspector.

Live Stock Inspector—(See Art. XVI, Sec. 1.)

Horticultural Inspector—It is the duty of these inspectors to examine all orchards, vineyards and nurseries to see that all fruit trees are kept free from pests and diseases of all kinds and that none but sound fruit is sold.

State Grain Commission.—This commission consists of three qualified electors of Idaho appointed for two years. They establish standard grades of all kinds of grain bought or sold within the state and known as "Idaho Grade," prescribe the rules for grading and weighing grain fix the charges for inspection, and make all rules necessary for enforcing their regulations.

Board of Dairy, Food and Oil Commissioners—The Secretary of State, "The professor of agriculture and superintendent of institutes" and one other person appointed by the Governor together with the horticultural inspector constitute this board. They appoint a commissioner who, with the horticultural inspector, conducts the work of the board which is to inspect and enforce all laws regarding the manufacture and sale of dairy products, foods, drinks, illuminating oils offered for sale.

The Governor and all other executive officers are required, during their term of office, to maintain a residence at the Capital. The reason for this is evident, there must be some place, known to all, for the transaction of the business of the State and no place is so appropriate as the seat of government.

An exception is made in this case of the Lieutenant Gover-

nor unless there be a vacancy in the office of governor. He has no duties except those of a presiding officer of the Senate and his presence would be required only during the sessions of the legislature.

Sec. 2. The officers named in section one of this article shall be elected by the qualified electors of the state at the time and places of voting for members of the Legislature, and the persons, respectively, having the highest number of votes for the office voted for shall be elected; but if two or more shall have an equal and the highest number of votes for any one of said offices, the two houses of the Legislature at its next regular session, shall forthwith by joint ballot, elect one of said persons for said office. The returns of election for the officers named in section one shall be made in such manner as may be prescribed by law, and all contested elections of the same, other than provided for in this section, shall be determined as may be prescribed by law.

The State officers mentioned in section one are elected for two years, and in the same manner and at the same time as the United States representatives. But if there is a tie vote for any of these officers, the State Legislature, by joint ballot, elects one of them.

Sec. 3. No person shall be eligible to the office of Governor or Lieutenant Governor, unless he shall have attained the age of thirty years at the time of his election; nor to the office of Secretary of State, State Auditor, Superintendent of Public Instruction, or State Treasurer, unless he shall attained the age of twenty-five years; nor to the office of Attorney General unless he shall have attained the age of thirty years, and have been admitted to practice in the Supreme Court of the State or Territory of Idaho, and be in good standing at the time of his election. In addition to the qualifications above described each of the officers named shall be a citizen of the United States and shall have resided within the State or Territory two years next preceding his election.

The requirements for office holding in Idaho are age, inhabitancy, and citizenship, and in the case of Attorney General admission to practice in the Supreme Court of the State and the State School Superintendent must have a certificate equivalent at least to a first grade.

The Governor, Lieutenant Governor and Attorney General must be thirty years of age, the other executive officers twenty-five; while all must have resided in the State two years next preceding their election.

Sec. 4. The Governor shall be commander-in-chief of the military forces of the State, except when they shall be called into actual service of the United States. He shall have power to call out the militia to execute the laws, to suppress insurrection, or to repel invasion

The Governor is commander-in-chief of the State military forces, for the same reason that the President of the United States is commander-in-chief of the army, that he may enforce the law, repress an insurrection or repel an invasion.

The military forces of a State may be used anywhere in the United States; when out of their own state they are in the service of the Nation rather than of the State.

Sec. 5. The supreme executive power of the State is vested in the Governor, who shall see that the laws are faithfully executed.

Promptness in action, and a feeling of individual responsibility are qualities needed in all executive officers. This could not be obtained if the executive power were vested in more than one person.

Sec. 6. The Governor shall nominate and, by and with the consent of the Senate, appoint all officers whose offices are established by this Constitution, or which may be created by law and whose appointment or election is not otherwise provided for. If during the recess of the Senate, a vacancy occurs in any State or district office, the Governor shall appoint some fit person to discharge the duties thereof until the next meeting of the Senate, when he shall nominate some person to fill such office. If the office of a justice of the supreme or district court, Secretary of State, State Auditor, State Treasurer, Attorney General, or Superintendent of Public Instruction, shall be vacated by death, resignation or otherwise, it shall be the duty of the Governor to fill the same by appointment, and the appointee shall hold his office until his successor shall be elected and qualified in such manner as may be provided by law.

The Governor by and with the advice and consent of the Senate appoints the Trustees, Regents and Directors of the various State institutions, and in case of a vacancy, he makes an appointment until the next meeting of the Legislature. The Senate, if the Legislature is in session, assists otherwise the appointment is entirely in the hands of the governor.

Sec. 7. The Governor, Secretary of State, and Attorney General shall constitute a board to be known as the Board of Pardons. Said board, or a majority thereof, shall have power to remit fines and forfeitures, and to grant commutations and pardons after conviction and judgment either absolutely or upon such conditions as they may impose in all cases of offenses against the State except treason or conviction on impeachment. The Legislature shall by law prescribe the sessions of said board and the manner in which application shall be made, and regulate proceedings thereon; but no fine or forfeiture shall be remitted, and no commutation or pardon granted, except by the decision of a majority of said board, after a full hearing, in open session, and until previous notice of the time and place of such hearing and the release applied for shall have been given by publication in some newspaper of general circulation at least once a week

for four weeks. The proceedings and the decision of the board shall be reduced to writing and with their reasons for their action in each case, and the dissent of any member who may disagree, signed by him, and filed, with all papers used upon the hearing, in the office of the Secretary of State.

The Governor shall have power to grant respites or reprieves in all cases of convictions for offenses against the state, except treason or conviction on impeachment, but such respites or reprieves shall not extend beyond the next session of the Board of Pardons; and such board shall at such session continue or determine such respite or reprieve, or they may commute or pardon the offense, as herein provided. In cases of conviction for treason the Governor shall have the power to suspend the execution of the sentence until the case shall be reported to the Legislature at its next regular session, when the Legislature shall either pardon or commute the sentence, direct its execution, or grant a further reprieve. He shall communicate to the Legislature, at each regular session, each case of remission of fine or forfeiture, reprieve, commutation or pardon granted since the last previous report, stating the name of the convict, the crime of which he was convicted, the sentence and its date, and the date of remission, commutation, pardon or reprieve, with the reasons for granting the same, and the objections, if any, of any member of the board made thereto.

After one has been convicted of crime, later information may place the crime in different light from that brought out at the trial; or following the strict letter of the law may, in some instances, inflict a too severe punishment. So a Board of Pardons is created to correct any mistake made in the administration of justice.

In some States the pardoning power is vested in the Governor alone, but this does not seem the wisest plan, for an evil man might abuse this power, while in cases deciding whether life shall, or shall not be taken the responsibility would seem too great to be placed upon one man.

Commute means to change the penalty, that is lessening it. Reprieve is a stay of execution. Pardon is to free one entirely from the penalty of his crime.

All work of the Board is open, and the people who secure conviction, for any violation of law, have an opportunity to be heard by the Board before it modifies in any way the original verdict.

Sec. 8. The Governor may require information in writing from the officers of the executive department upon any subject relating to the duties of their respective offices, which information shall be given upon oath whenever so required; he may also require information in writing, at any time, under oath, from all officers and managers of State institutions, upon any subject relating to the condition, management and expenses of their respective offices and

institutions, and may at any time he deems it necessary, appoint a committee to investigate and report to him upon the condition of any executive office or State institution. The Governor shall at the commencement of each session and from time to time, by message give to the Legislature information of the condition of the State, and shall recommend such a measure as he shall deem expedient. He shall also send to the Legislature a statement, with vouchers, of the expenditures of all moneys belonging to the State and paid out by him. He shall also at the commencement of each session, present estimates of the amount of money required to be raised by taxation for all purposes of the State.

The Governor, in his message to the Legislature, is expected to account to the people for the manner in which their money has been expended, and their government administered for the preceding two years. He also outlines to the Legislature the needs of the State and his policy in the administration of State government.

Much of the data for a message of this kind can be obtained only from the executive officers, and the secretaries of the various State institutions, who are required to make regular reports to him.

Sec. 9. The Governor may, on extraordinary occasions, convene the Legislature by proclamation, stating the purposes for which he has convened it; but when so convened, it shall have no power to legislate on any subjects other than those specified in the proclamation; but may provide for the expenses of the session and other matters incidental thereto. He may also, by proclamation convene the Senate in extraordinary session for the transaction of executive business.

Unforeseen emergencies may arise, as an insurrection, the visitation of a community by fire or flood rendering many people homeless. On such occasions as well as others of great public necessity the Governor may call a special session of the Legislature. In his message he must state the particular purposes for which the session is called and no other business may be transacted, except that all bills vetoed after the adjournment of the Legislature may be taken up and disposed of just as at a regular session. (See Article III, Section 23).

Sec. 10. Every bill passed by the Legislature shall, before it becomes a law, be presented to the Governor. If he approve, he shall sign it, and thereupon it shall become a law; but if he does not approve, he shall return it with his objections to the house in which it originated, which house shall enter the objections at large upon its journals and proceed to reconsider the bill. If then two-thirds of the members present agree to pass the same it shall be sent, together with the objections, to the other house, by which it shall likewise be reconsidered; and if approved by two-thirds of the members present in that

house, it shall become a law notwithstanding the objections of the Governor. In all such cases the vote of each house shall be determined by yeas and nays, to be entered on the journal. Any bill which shall not be returned by the Governor to the Legislature within five days (Sundays excepted) after it shall have been presented to him, shall become a law in like manner as if he had signed it, unless the Legislature shall by adjournment, prevent its return, in which case it shall be filed, with his objections, in the office of the Secretary of State within ten days after such adjournment (Sundays excepted) or become a law.

A bill may become a law in four ways.

1. Pass both houses and be signed by the Governor.
2. Pass both houses, vetoed by the Governor, reconsidered and passed by a two-thirds vote in each house.
3. Pass both houses, presented to the Governor who fails to return it within five days. (Sundays and adjournments excepted.)
4. Pass both houses and presented to the Governor who, within ten days after the adjournment of the Legislature, fails to file with the Secretary of State his objection to the bill.

Every bill before it becomes a law must be considered by three different departments, the House, the Senate, and the Governor. This will not only insure its careful consideration but also prevents its passage by unduly influencing any one department.

Sec. 11. The Governor shall have power to disapprove of any item or items of any bill making appropriations of money embracing distinct items, and the part or parts approved shall become a law and the item or items disapproved shall be void unless enacted in the manner following: If the Legislature be in session, he shall within five days transmit to the house within which the bill originated a copy of the item or items thereof disapproved, together with his objections thereto, and the items objected to shall be separately reconsidered, and each item shall then take the same course as is prescribed for the passage of bills over the executive veto.

The reason for the safe guard, mentioned in this section, is apparent. There are interests in the State that are entitled to appropriations, yet the representatives of interests that have no merit, are some times so strong that they can prevent meritorious enterprises from getting any appropriation, unless provisions are made for all. When the bill comes to the Governor he can veto the objectionable parts and approve the rest.

Sec. 12. In case of the failure to qualify, the impeachment, or

conviction of treason, felony, or other infamous crime of the Governor, or his death, removal from office, resignation, absence from the State, or inability to discharge the powers and duties of his office, the powers, duties and emoluments of the office for the residue of the term, or until the disability shall cease, shall devolve upon the Lieutenant Governor.

When the Lieutenant Governor becomes Governor, he performs all the duties and enjoys all of the privileges of this office. He assumes the duties of governor for any of the following reasons:

When the Governor-elect does not qualify, that is, does not assume the duties of the office; when he is disqualified by impeachment, resignation, and in case of death; in case of disability, he may become insane or be absent from the State.

Sec. 13. The Lieutenant Governor shall be president of the Senate, but shall vote only when the Senate is equally divided. In case of the absence or disqualification of the Lieutenant Governor from any cause which applies to the Governor, or when he shall hold the office of Governor, then the President pro tempore of the Senate shall perform the duties of the Lieutenant Governor until the vacancy is filled or the disability removed.

The Lieutenant Governor is ex-officio President of the Senate. He has no duties or powers but those of a presiding officer, unless there be a tie vote, when the deciding vote is cast by him. The President pro tempore of the Senate, who is himself a Senator, has a vote on all questions, but he can not cast two votes, one as Senator, and the deciding vote, in case of a tie.

Sec. 14. In case of the failure to qualify in his office, death, resignation, absence from the State, impeachment, conviction of treason, felony or other infamous crimes, or disqualification from any cause, of both Governor and Lieutenant Governor, the duties of the Governor shall devolve upon the President of the Senate pro tempore, until such disqualification of either the Governor or Lieutenant Governor be removed, or the vacancy filled; and if the President of the Senate, for any of the above named causes, shall become incapable of performing the duties of Governor, the same shall devolve upon the Speaker of the House.

The order followed here is the old order of Presidential Succession, and should the arrangement be changed it would doubtless correspond to the latest Presidential Succession law, which requires the executive, or cabinet officer, to succeed the Vice President.

Sec. 15. There shall be a seal of this State, which shall be kept by the Secretary of State and used by him officially, and shall be

called "The Great Seal of the State of Idaho." The seal of the Territory of Idaho, as now used, shall be the seal of the State until otherwise provided by law.

The seal was originally used because a king could not sign his name. Today it is an emblem of official authority, the State, the County, the City, the public institutions of the State each has its seal.

Mrs. Emma Edwards Green of Boise, Idaho, the designer of the seal of the State has very kindly furnished the following statement regarding its significance.

'Before designing the seal, I was careful to make a thorough study of the resources and future possibilities of the State. Idaho had come into the Union in July 1890. The first State Legislature met in the winter of 1890-91. Heretofore, it had been a territory and held territorial conventions instead of legislatures.

The question of Woman Suffrage was being agitated somewhat; and as leading men and politicians agreed that Idaho would eventually give women the right to vote, and as mining was the chief industry, and the mining man the largest financial factor of the state at that time, I made the figure of the man the most prominent figure in the design, while that of the woman, signifying justice, as denoted by the scales, liberty, as denoted by the liberty cap on the end of the spear, and equality with man as denoted by her position at his side, also signifies Freedom. The pick and shovel held by the miner, and the ledge of rock beside which he stands, as well as the pieces of ore scattered about his feet, all indicate the chief occupation of the State. The stamp mill in the distance, which you can see by using magnifying glass, is also typical of the mining interests of Idaho. The shield between the man and woman is emblematic of the protection they unite in giving the State. The large fir or pine tree in the foreground in the shield refers to Idaho's immense timber interests.

"The husbandman, plowing on the left side of the shield, together with the sheaf of grain beneath the shield are emblematic of Idaho's agricultural resources; while the cornucopias, or horns of plenty, refer to the horticultural. Idaho has a game law, which protects the elk and moose. The elk's



THE SEAL OF THE STATE.

head, therefore rises above the shield. The State flower, the wild syringa or mock orange grows at the woman's feet, while the ripened wheat grows as high as her shoulder. The star signifies a new constellation in the galaxy of States. The translation of the latin motto is "It is Perpetuated" or "It is Forever." The river depicted in the shield is our mighty Snake or Shoshone river, a stream of great majesty."

STATE FLOWER, FLAG AND COLORS

An examination of the official codes of the Territory and the state fails to show that any legislative action has ever been taken in regard to the adoption of a state flower or colors although the wild syringa has for many years been regarded as the state flower and the state fair association has adopted yellow, white and purple as state colors. The tenth session of the legislature passed a law authorizing the designing of a state flag under the supervision of the adjutant general. This act prescribes that the "Flag of the State of Idaho shall be blue charged with the name of the state in such colors and of such size and measurements as shall be prescribed by the Adjutant General of the State of Idaho, but at this writing the flag has not been completed.

Sec. 16. All grants and permissions shall be in the name and by the authority of the State of Idaho, sealed with the great seal of the State, signed by the Governor and countersigned by the Secretary of State.

All charters issued by the State, and all commissions given by the Governor, appointing men to office, are stamped with the Seal of the State of Idaho.

Sec. 17. An account shall be kept by the officers of the executive department and of all public institutions of the State, of all moneys received by them severally, from all sources, and for every service performed, and of all moneys disbursed by them severally, and a semi-annual report thereof shall be made to the Governor, under oath; they shall also, at least twenty days preceding each regular session of the Legislature, make full and complete reports of their official transactions to the Governor, who shall transmit the same to the Legislature.

All moneys, received as fees by the executive officers, must be turned over to the State Treasurer, and each of these officers must account for the manner in which the money, appropriated for his department, has been expended.

The State Treasurer is custodian of all money belonging to the various state institutions, except that received by the State University from the national government.

Before any bill can be paid by him, for any of these institutions it is necessary that the person, to whom they are indebted, make out an itemized account, swear to it, have it passed upon by the board of the institution, and the State Board of Examiners.

At the end of two years, and twenty days previous to the meeting of the Legislature, the proper officers of the various institutions present to the Governor copies, usually in pamphlet form, of all expenditures made. By this means the people of the State may know for what their money is being used.

Sec. 18. The Governor, Secretary of State, and Attorney General shall constitute a Board of State Prison Commissioners, which board shall have such supervision of all matters connected with the State prison as may be prescribed by law. They shall also constitute a Board of Examiners, with power to examine all claims against the State, except salaries or compensation of officers fixed by law, and perform such other duties as may be prescribed by law. And no claim against the State, except salaries and compensation of officers fixed by law, shall be passed upon by the Legislature without first having been considered and acted upon by said board.

The Board of Prison Commissioners appoints the Warden, confirms his appointments of other officers and employees, makes contracts for supplies for the penitentiary, and exercises a general supervision over it.

Board of Examiners—All bills, except those fixed by law, must first be passed upon by the officers of the institution or department contracting them. They are then submitted to the Board of Examiners who may allow or reject them. If allowed they authorize the auditor to issue warrants for their payment.

Sec. 19. The Governor, Secretary of State, State Auditor, State Treasurer, Attorney General and Superintendent of Public Instruction shall quarterly as due, during their continuance in office, receive for their services compensation, which for the term next ensuing after the adoption of this Constitution, is fixed as follows: Governor, three thousand dollars per annum; Secretary of State, one thousand eight hundred dollars per annum; State Auditor, one thousand eight hundred dollars per annum; State Treasurer, one thousand dollars per annum; Attorney-General, two thousand dollars per annum, and Superintendent of Public Instruction, one thousand five hundred dollars per annum. The Lieutenant Governor shall receive the same per diem as may be provided by law for the Speaker of the House of Representatives, to be allowed only during the sessions of the

Legislature. The compensation enumerated shall be in full for all services by said officers respectively, rendered in any official capacity or employment whatever during their respective terms of office.

No officer named in this section shall receive for the performance of any official duty any fee for his own use, but all fees fixed by law for the performance by either of them, of any official duty shall be collected in advance and deposited with the State Treasurer quarterly to the credit of the State. The Legislature may, by law, diminish or increase the compensation of any or all of the officers named in this section, but no such diminution or increase shall affect the salaries of the officers then, in office during their term: *Provided*, however, The Legislature may provide for the payment of actual and necessary expenses to the Governor, Lieutenant Governor, Secretary of State, Attorney General, and Superintendent of Public Instruction, while traveling within the State in performance of official duty.

All state officers are placed on a salary, but the exact amount is determined by the Legislature, the amount agreed upon shall never affect those then in office. Besides the salary received, a certain amount is allowed each officer for clerical assistance, stationery, and in some instances traveling expenses. All fees received by any officer must be turned over to the State.

After January 1, 1905, the salary of the state officers is as follows:

Governor	\$5,000
Secretary of State	3,000
Auditor	3,000
Treasurer	4,000
Attorney General	4,000
Superintendent of Public Instruction...	2,400
Inspector of Mines	2,400
State Insurance Commissioner	1,500
Commissioner of Immigration, Labor and Statistics	1,800
Fish and Game Warden	1,200
State Engineer	2,000
Warden at Penitentiary	1,200
Superintendent of Soldiers' Home.....	1,200
Supreme Judges, each	5,000

ARTICLE V.

JUDICIAL DEPARTMENT.

Section 1. The distinctions between actions at law and suits in equity, and the forms of all such actions and suits, are hereby prohibited; and there shall be in this State but one form of action for the enforcement or protection of private rights or the redress of private wrongs; which shall be denominated a civil action; and every action prosecuted by the people of the State as a party against a person charged with a public offense for the punishment of the same, shall be termed a criminal action.

Feigned issues are prohibited, and the fact at issue shall be tried by order of court before a jury.

Men, when left to themselves, will adopt certain customs governing their relation to each other. Later these customs are enacted into law, which is termed a rule of action, and is founded on justice. In all business transactions there is a contract expressed or implied, and the breaking of a contract is a violation of civil law. But men may not only fail to keep a contract, but they may infringe upon another's right by taking his property, or endangering his life. The law governing in this case is termed criminal law.

There may be instances where no law, either civil or criminal, is violated and yet justice is not done. This was especially true in the early development of law, and the English King allowed appeals to be made to himself where those concerned felt that they had not received justice. When these appeals became so numerous that the King could not attend to them himself he established courts called Equity or Chancery Courts. Some of the States have followed the example set by the English Kings and established courts of equity. In this State there are no such courts though some cases are decided in accordance with equity, the District Judge presiding.

Sec. 2. The judicial power of the State shall be vested in a court for the trial of impeachments, a supreme court, district courts, probate courts, courts of justices of the peace, and such other courts inferior to the supreme court as may be established by law, for any incorporated city or town.

Sec. 3. The court for the trial of impeachments shall be the Senate. A majority of the members elected shall be necessary to a quorum, and the judgment shall not extend beyond removal from, and disqualification to hold office in this State, but the party shall be liable to indictment and punishment according to law.

Sec. 4. The House of Representatives solely shall have the power

of impeachment. No person shall be convicted without the concurrence of two-thirds of the Senators elected. When the Governor is impeached the Chief Justice shall preside.

Sec. 5. Treason against the State shall consist only in levying war against it, or adhering to its enemies, giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open court. No conviction of treason or attainder shall work corruption of blood or forfeiture of estate.

Sec. 6. The supreme court shall consist of three justices, a majority of whom shall be necessary to make a quorum or pronounce a decision. The justices of the supreme court shall be elected by the electors of the State at large. The terms of office of the justices of the supreme court, except as in this article otherwise provided, shall be six years. The justices of the supreme court shall, immediately after the first election under this Constitution, be selected by lot, so that one shall hold his office for the term of two years, one for the term of four years, and one for the term of six years. The lots shall be drawn by the justices of the supreme court, who shall, for that purpose, assemble at the seat of government, and they shall cause the result thereof to be certified to by the Secretary of State and filed in his office. The justice having the shortest term to serve, not holding his office by appointment or election to fill a vacancy, shall be the chief justice, and shall preside at all terms of the supreme court, and, in case of his absence, the justice having in like manner the next shortest term to serve shall preside in his stead.

Sec. 7. No justice of the supreme court shall be eligible to any other office of trust or profit under the laws of this State during the term for which he was elected.

Sec. 8. At least four terms of the supreme court shall be held annually; two terms at the seat of State government, and two terms at the City of Lewiston, in Nez Perce County. In case of epidemic, pestilence, or destruction of court houses, the justices may hold terms of supreme court provided by this section at other convenient places, to be fixed by a majority of said justices. After six years the Legislature may alter the provisions of this section.

Sec. 9. The supreme court shall have jurisdiction to review, upon appeal, any decision of the district courts, or the judges, thereof. The supreme court shall also have original jurisdiction to issue writs of mandamus, certiorari, prohibition, and habeas corpus, and all writs necessary or proper to the complete exercise of its appellate jurisdiction.

Sec. 10. The supreme court shall have original jurisdiction to hear claims against the State, but its decision shall be merely recommendatory; no process in the nature of execution shall issue thereon; they shall be reported to the next session of the Legislature for its action.

Sec. 11. The State shall be divided into five judicial districts, for each of which a judge shall be chosen by the qualified electors thereof, whose term of office shall be four years. And there shall be held a district court in each county, at least twice in each year, to continue for such time in each county as may be prescribed by law; but the Legislature may reduce or increase the number of districts, district judges, and district attorneys. This section shall not be construed to prevent the holding of special terms under such regulations as may be provided by law.

Sec. 12. Every judge of the district court shall reside in the district for which he is elected. A judge of any district court may hold a district court in any county at the request of the judge of the district court thereof, and upon the request of the Governor it shall be his duty to do so; but a cause in the district court may be tried by a judge pro tempore, who must be a member of the bar, agreed upon in writing by the parties litigant, or their attorneys of record, and sworn to try the cause.

Sec. 13. The Legislature shall have no power to deprive the judicial department of any power or jurisdiction which rightfully pertains to it as a co-ordinate department of the government; but the Legislature shall provide a proper system of appeals, and regulate by law, when necessary, the methods of proceeding in the exercise of their powers of all the courts below the supreme court, so far as the same may be done without conflict with this Constitution.

Sec. 14. The Legislature may provide for the establishment of special courts for the trial of misdemeanors in incorporated cities and towns where the same may be necessary.

Sec. 15. The clerk of the supreme court shall be appointed by the court, and shall hold his office during the pleasure of the court. He shall receive such compensation for his services as may be provided by law.

Sec. 16. A clerk of the district court for each county shall be elected by the qualified voters thereof at the time and in the manner prescribed by law for the election of members of the Legislature, and shall hold his office for the term of four years.

Sec. 17. The salary of the justices of the supreme court, until otherwise provided by the Legislature, shall be three thousand dollars each per annum, and the salary of the judges of the district court, until otherwise provided by the Legislature, shall be three thousand dollars each per annum, and no justice of the supreme court or judge of the district court, shall be paid his salary, or any part thereof, unless he shall have first taken and subscribed an oath that there is not in his hands any matter in controversy not decided by him which had been finally submitted for his consideration and determination, thirty days prior to the taking and subscribing such oath.

Sec. 18. A prosecuting attorney shall be elected for each organized county in the State, by the qualified electors of such county, and shall hold office for the term of two years, and shall perform such duties as may be prescribed by law; he shall be a practicing attorney at law, and a resident and elector of the county for which he is elected. He shall receive as compensation for his services a sum not less than five hundred per annum, nor more than fifteen hundred dollars per annum, to be fixed by the board of commissioners of the county at its regular session in July next preceding any general election, and to be paid in quarterly installments out of the county treasury.

Sec. 19. All vacancies occurring in the offices provided for by this article of the Constitution shall be filled as provided by law.

Sec. 20. The district court shall have original jurisdiction in all cases, both at law and in equity, and such appellate jurisdiction as may be conferred by law.

Sec. 21. The probate courts shall be courts of record, and shall have original jurisdiction in all matters of probate, settlement of estates of deceased persons, and appointment of guardians; also jurisdiction to hear and determine all civil cases wherein the debt or

damage claimed does not exceed the sum of five hundred dollars, exclusive of interest, and concurrent jurisdiction with justices of the peace in criminal cases.

Sec. 22. In each county of this State there shall be elected justices of the peace as prescribed by law. Justices of the peace shall have such jurisdiction as may be conferred by law, but they shall not have jurisdiction of any cause wherein the value of the property or the amount in controversy exceeds the sum of three hundred dollars, exclusive of interest, nor where the boundaries or title to any real property shall be called into question.

Sec. 23. No person shall be eligible to the office of district judge unless he be learned in the law, thirty years of age, and a citizen of the United States, and shall have resided in the State or Territory at least two years next preceding his election, nor unless he shall have been at the time of his election, an elector in the judicial district for which he is elected.

Sec. 24. Until otherwise provided by law, the judicial districts shall be five in number, and constituted of the following counties, viz: First District, Shoshone and Kootenai; Second District, Latah, Nez Perce and Idaho; Third District, Washington, Ada, Boise and Owyhee; Fourth District, Cassia, Elmore, Logan and Alturas; Fifth District, Bear Lake, Bingham, Oneida, Lemhi and Custer.

Sec. 25. The judges of the district court shall, on or before the first day of July in each year, report in writing to the justices of the supreme court, such defects or omissions in the laws as their knowledge and experience may suggest, and the justices of the supreme court shall, on or before the first day of December of each year, report in writing to the Governor, to be by him transmitted to the Legislature, together with his message, such defects and omissions in the Constitution and laws as they may find to exist.

Sec. 26. All laws relating to courts shall be general and of uniform operation throughout the State, and the organized judicial powers, proceedings, and practices of all the courts of the same class or grade, so far as regulated by law, and the force and effect of the proceedings, judgments, and decrees of such courts, severally, shall be uniform.

Sec. 27. The Legislature may by law diminish or increase the compensation of any or all the following officers, to wit: Governor, Lieutenant Governor, Secretary of State, State Auditor, State Treasurer, Attorney General, Superintendent of Public Instruction, Commissioner of Immigration and Labor, Justices of the supreme court, and judges of the district courts and district attorneys, but no diminution or increase shall affect the compensation of the officer then in office during his term. *Provided*, however, That the Legislature may provide for the payment of actual and necessary expenses of the Governor, Secretary of State, Attorney General, and Superintendent of Public Instruction incurred while in the performance of official duty.

Nearly all of the Courts of Idaho are provided for in the Constitution. The Senate is the Court for the trial of impeachment, only executive and judicial officers may be impeached. A bill of impeachment is an accusation by the House of Representatives, charging an officer with some offense

for which, in their judgment, he should be punished. The offense need not be a violation of law.

A majority of the Senators must be present during the trial and a two-thirds majority is necessary for conviction. This will prevent injustice because of prejudice or for partisan reasons.

The penalty does not extend beyond removal from office, or disqualification for office holding in the State; but the officer may be tried in the criminal courts just as any other law breaker. The Lieutenant Governor presides in all cases, except when the Governor is tried, then the Chief Justice presides as the Lieutenant Governor is an interested party in that he becomes Governor in case of conviction.

The Supreme Court is composed of three judges elected by the people for a term of six years. The judges of the first court served for two, four, and six years respectively, they having, after their election, cast lots for their positions. The one who was to serve two years was made chief justice, being succeeded in this office by the judge serving four years. Since that time the office of chief justice has been filled by the judge longest in office.

The Court has original and appellate jurisdiction. By original jurisdiction is meant that the case originates or is begun in a court, and appellate where it comes up to the court from some lower court. The original jurisdiction of the court extends to the issuing of writs of:

1. Mandamus which directs or commands an officer to do or not to do certain things.
2. Certiorari, which requires the proper officers to certify to the records or proceedings in their office or court.
3. Prohibition or Injunction is an order to an individual or company not to do a certain thing until the right to do it has been established before the court.
4. All cases of claims against the State must be brought in the Supreme Court, but this court has no authority except when it considers the claim just to recommend to the legislature that it be allowed.

The court has appellate jurisdiction in practically all cases

tried in the lower courts. It holds four sessions annually, two at Lewiston and two at Boise. At each place there is a "Supreme" Court library for its use. It appoints its own clerk, who in turn appoints a deputy, who must be a resident of Lewiston. He reports the cases argued and determined in the court; these reports are later printed in book form termed "The Idaho Reports."

The supreme judges receive an annual salary of five thousand dollars and are not eligible to any other office in the State, during the term for which they are elected.

The District Court is a court in a district composed of one or more counties, there being nine judicial districts in the State. The Court is presided over by a judge elected by the people for a term of four years; he must hold at least two terms annually in each county. Special sessions and "court in chambers" may be held at his option. The judge must reside in the district for which he is elected, though he may try a case outside of his own district when the resident judge is disqualified because of his personal or pecuniary interest in the case.

The District Court exercises both original and appellate jurisdiction. All cases tried in the probate or justice courts may be appealed to it and practically any case may originate in it. The District Judge is paid three thousand dollars per annum and quarterly, but before he receives his pay he must subscribe to an oath that there is not in his hands any undecided case, which has been submitted thirty days or more.

Probate Courts have charge of estates of deceased persons, appoint administrators for the estate and guardian for the minor children. These courts also have concurrent jurisdiction in civil cases, not amounting to more than five hundred dollars, and in criminal cases, where the offense does not amount to more than a misdemeanor. Each county has one probate judge, elected by the qualified voters of the county.

There is in every county what is termed a County Court consisting of three officers termed commissioners, who are elected at the same time and in the same manner as the other county officers. They meet quarterly, examine all claims

against the county, locate and let contracts for the building of roads appropriate money for those in destitute circumstances, commit the helpless to the poor farm, in short are the authorized agents for the transaction of the general business of the county.

Justice Courts—Every county is divided into precincts, each of which has two justices of the peace, and a Constable elected in the same manner as the county officers. (See p. 80).

Juvenile Courts are those that have charge of truant and incorrigible children, to determine whether or not they are to be committed to the Industrial Training School. The Probate judge acts as judge of this court.

There are municipal or city courts, where those, who violate the ordinance of the city, are tried. The presiding officer is the police judge.

Annually the circuit judges report to the Supreme Court such corrections in the law as they think should be made, and the judges of this court report them, as well as any other corrections which seem advisable to the Governor, who in turn transmits them to the Legislature. By this means the laws of the State are being continually made more perfect.

The laws governing the same grade of courts shall be uniform throughout the State. The convenience and justice of such an arrangement are apparent.

ARTICLE VI.

SUFFRAGE AND ELECTIONS.

Section 1. All elections by the people must be by ballot. An absolutely secret ballot is hereby guaranteed, and it shall be the duty of the Legislature to enact such laws as shall carry this section into effect.

The Legislature has adopted the Australian "Ballot System." By this method no one can see another's ballot, unless he be unable to write, when the judges will fill it out for him. Thus no influence can be brought to bear upon him in casting his vote. See page 44.

Sec. 2. Except as in this article otherwise provided, every male or female citizen of the United States twenty-one years old, who has actually resided in this State or Territory for six months, and in the

county where he or she offers to vote, thirty days next preceding the day of election, if registered as provided by law, is a qualified elector; and until otherwise provided by the Legislature, women who have the qualifications prescribed in this article may continue to hold such school offices and vote at such school elections as provided by the laws of Idaho Territory. (See page)

Citizenship in the United States and residence in the State six months, and in the county thirty days are the only requirements in the constitution for voting.

Sec. 3. No person is permitted to vote, serve as a juror, or hold any civil office who is under guardianship, idiotic or insane, or who has, at any place, been convicted of treason, felony, embezzlement of the public funds, bartering or selling, or offering to barter or sell his vote or purchasing, or offering to purchase the vote of another, or other infamous crime, and who has not been restored to the rights of citizenship, or who at the time of such election, is confined in prison on conviction of a criminal offense, or who is a bigamist, or polygamist, or is living in what is known as a patriarchal, plural or celestial marriage, or in violation of any law of this State, or of the United States, forbidding any such crime; or who, in any manner, teaches, advises, counsels, aids, or encourages any person to enter into bigamy, polygamy, or such patriarchal, plural or celestial marriage, or to live in violation of any such law, or to commit any such crime; or who is a member of or contributes to the support, aid or encouragement of any order, organization, association, corporation or society, which teaches, advises, counsels, encourages, or aids any person to enter into bigamy, polygamy, or such patriarchal, or plural marriage, or which teaches or advises that the laws of this State prescribing rules of civil conduct, are not the supreme law of the State; nor shall Chinese, or persons of Mongolian descent, not born in the United States, nor Indians not taxed, who have not severed their tribal relations and adopted the habits of civilization, either vote, serve as jurors, or hold any civil office.

The Legislature has passed a law requiring all persons, who desire to vote, to register. The County Commissioners appoint a registrar in each precinct; every voter is required to register with him sometime between the first day of August and the last Saturday before election. Registering is subscribing to a sworn statement embodying a denial of being under any legal disability to vote.

Sec. 4. The Legislature may prescribe qualifications, limitations and conditions for the right of suffrage additional to those prescribed in this article but shall never annul any of the provisions in this article contained.

Certain qualifications for voting have been enumerated in the preceding section, the legislature can not abolish any of these, but it may add others as it has in Article XVII, Section 3, where it is required that no person shall vote on county division who has not been in the county ninety days.

Sec. 5. For the purpose of voting, no person shall be deemed to have gained or lost a residence by reason of his presence or absence while employed in the service of this State, or of the United States, nor while engaged in the navigation of the waters of this State or of the United States, nor while a student of any institution of learning, nor while kept at any alms house or other asylum at the public expense.

There are kinds of work, necessary in themselves, which will in their performance take the voter away from his State. To deprive persons, engaged in that kind of work, of their right to vote would politically, not only place them at a disadvantage but also the work in which they were engaged. The constitution therefore very wisely and justly allows such persons to return home to vote. Should the reason of an inmate of the asylum return to him before the day of election he would be allowed to exercise the right of suffrage.

NOMINATION FOR OFFICE

Candidates for Congress, State and County offices are now nominated by the qualified electors at a primary election held on the last Tuesday in July.

The following are the instructions and form of the official ballot.

OFFICIAL PRIMARY BALLOT.

..... party..... County, Idaho,
 "Instructions: Mark only your party ticket. You may at your option vote for both first and second choice in case there are twice as many candidates as there are positions. To vote for a person for first choice make a cross (X) in the first square at the right of the name of the person for whom you desire to vote. To vote for a person for second choice make a cross (X) in the second square at the right of the name of the person for whom you desire to vote. You may vote for any qualified elector whose name is not printed on the ballot by writing the name of such person thereon under the appropriate heading and making a cross (X) in the proper square at the right of such name. Do not vote for the same person for both first and second choice. After marking the ballot hand it to a Judge to be placed in the ballot box for votes. Place the blank ballots of the other parties not marked in the ballot box for waste ballots."

U. S. SENATOR.	First Choice.	Second Choice.
JOHN DOE	Vote for	Vote for
JOHN DOE		
JOHN DOE		
REP. IN CONGRESS.	First Choice.	Second Choice.
JOHN DOE	Vote for	Vote for
JOHN DOE		
JOHN DOE		
STATE OFFICERS.	First Choice.	Second Choice.
	Vote for	Vote for
COUNTY OFFICERS.	First Choice.	Second Choice.
	Vote for	Vote for

ELECTOR'S OATH BEFORE REGISTERING.

STATE OF IDAHO,

County of } ss.
Precinct of }

I do swear (or affirm) that I am a citizen of the United States, of the age of twenty-one years, or will be the day of A.D. 19...., naming the date of the next succeeding election); that I have (or will have) actually resided in this State for six months, and in this County for thirty days next preceding the next ensuing election, (in case of any election requiring a different time of residence so make it); that I have never been convicted of treason, felony, embezzlement of public funds, bartering or selling or offering to barter or sell my vote, or purchasing or offering to purchase the vote of another, or other infamous crime, without thereafter being restored to the rights of citizenship; that I will not commit any act in violation of the provisions in this oath contained; that I am not now registered or entitled to vote at any other place in this State; that I do regard the Constitution of the United States and the laws thereof, and the Constitution of this State and the laws thereof, as interpreted by the courts, as the supreme law of the land, (when made before a judge of election add: "and I have not previously voted at this election"), so help me God.

Signed

Subscribed and sworn to before me this day of, A.D. 19....

.....
Registrar ofPrecinct.
.....County, Idaho.

CARD OF INSTRUCTIONS TO VOTERS

HOW TO OBTAIN TICKETS.

Section 68. An elector desiring to vote shall give his name, and, if requested so to do, his residence, to one of the clerks of election, who shall thereupon announce the same in a loud and distinct tone of voice, clear and audible, and if such name is found on the check list by the election officer having charge thereof, he shall likewise repeat the said name, and the voter shall be allowed to enter the space enclosed by the guard rail as hereinbefore provided. The distributing clerk shall give him one, and only one, ticket, and his name shall immediately be checked on said list by placing a mark on the registry list to denote that he has received a ticket, and the ticket must be stamped on the back and near the top of the ticket with the Official Stamp" by the distributing clerk, and thereupon delivered to the elector. Besides the election officers not more than one voter in excess of the voting shelves or compartments provided shall be allowed in said enclosed space at one time.

HOW TO MARK TICKETS.

Section 69. On receipt of his ticket, the voter shall forthwith and without leaving the enclosed space, retire alone to one of the voting shelves or compartments so provided, and shall prepare his

ticket by marking in the appropriate margin or place a cross (X) opposite the name of the candidate of his choice for each office to be filled or by filling in or writing the name of the person for whom he wishes to vote in the blank space provided therefor in the column or division of the ticket for that purpose provided and marking a cross (X) opposite thereto; and in a case of a question submitted to a vote of the people by marking in the appropriate margin or place a cross (X) against the answer for which he desires to give. Before leaving the voting shelf or compartment the voter shall fold his ticket, without displaying the marks thereon, and so as to expose the impression of the official stamp on the back, and he shall keep the same so folded until he has voted. He shall then hand his ballot to one of the judges and announce his name. He shall mark his ticket or ballot without delay and shall quit said enclosed space as soon as he has voted.

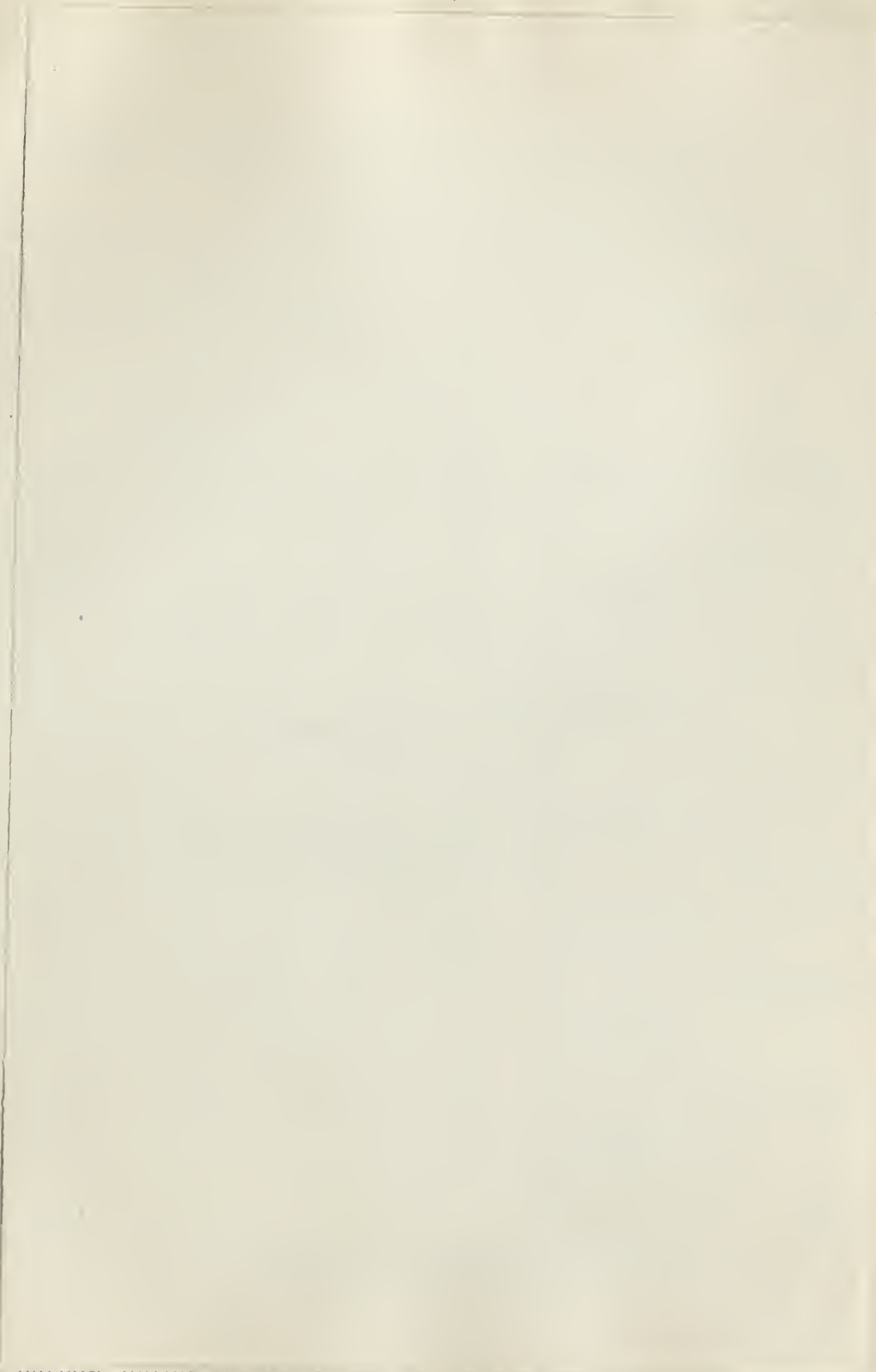
No such voter shall be allowed to occupy a voting shelf or compartment already occupied by another, nor to remain within said enclosed space more than ten minutes, nor to occupy a voting shelf or compartment more than five minutes in case all of such shelves or compartments are in use and other voters are waiting to occupy the same. No voter, not an election officer, whose name has been checked on the list of the election officers, shall be allowed to re-enter said enclosed space during said election. It shall be the duty of the judges for the time being to secure the observance of the provisions of this section; provided, That if any registered elector, who is blind or otherwise disqualified by reason of physical infirmities rendering such voter incapable of personally marking his ballot, desires to vote, then and in that case, any two of the judges not of the same political party may, at the request of such elector, mark and prepare his ballot for him, placing an (X) mark in the proper place and opposite the name of the candidate for whom such elector desires to vote. When the ballot marked by the judges is properly prepared and folded it shall be given to the elector, who shall deliver it to the proper judge to be deposited in the ballot-box, as in other cases. The judges assisting any such physically incapacitated elector in the preparation of his ballot, must not influence or attempt to influence such voter in the selection of candidates to be voted for, and a judge who has assisted any such elector, who shall divulge to any person the name of any candidate for whom such elector voted, shall be guilty of misdemeanor.

ARTICLE VII.

FINANCE AND REVENUE.

Section 1. The Fiscal year shall commence on the second Monday in January in each year, unless otherwise provided by law.

Fiscal has reference to finance or money. Around no rights of the American people are there thrown stronger safe guards than in the use of money. Not a dollar has ever been drawn from the treasury of the United States until it has first been appropriated by Congress. All expenses of the administrations of the general government of the State are provided for by the State Legislature at its regular biennial meetings.



same purpose during the same year, or during previous years.

Every property holder pays a state, a county, a school, and a city tax, if he lives in a city.

been appropriated by Congress. All expenses of the administrations of the general government of the State are provided for by the State Legislature at its regular biennial meetings.

Neither the officers of the State, nor those of the State institutions may contract any debts, all must live within the income provided for them. The fiscal year begins on the second Monday in January and money appropriated by the Legislature for any specific time cannot be applied on debts previously contracted.

Sec. 2. The Legislature shall provide such revenue as may be needful, by levying a tax by valuation, so that every person or corporation shall pay a tax in proportion to the value of his, her, or its property, except as in this article herein otherwise provided. The Legislature may also impose a license tax (both upon natural persons and upon corporations, other than municipal, doing business in this State); also a per capita tax; *Provided*, The Legislature may exempt a limited amount of improvements upon land, from taxation.

No government can exist without the power to levy tax for its maintenance. The State levies three kinds of taxes, first, property tax, levied on all personal property and real estate; second, a license or a certain sum exacted for the right to conduct certain kinds of business, as for instance a saloon license; lastly, a per capita tax, or what is commonly called a poll tax, each man paying so much regardless of his wealth.

Sec. 3. The word "property" as herein used, shall be defined and classified by law.

Property is anything to which a person has a title and includes real estate, or that which is immovable and personal property which includes all kinds that are movable.

Sec. 4. The property of the United States, the State, counties, towns, cities and other municipal corporations and public libraries shall be exempt from taxation.

This exemption includes all public lands and all kinds of public libraries and public buildings. There would be no reason in any government taxing itself for its own support.

Sec. 5. All taxes shall be uniform upon the same class of subjects within the Territorial limits, of the authority levying the tax, and shall be levied and collected under general laws, which shall prescribe such regulations as shall secure a just valuation for taxation of all property, real and personal: *Provided*, That the Legislature may allow such exemptions from time to time as shall seem necessary and just, and all existing exemptions provided by the laws of the Territory, shall continue until changed by the Legislature of the State; *Provided, further*, That duplicate taxation of property for the same purpose during the same year, is hereby prohibited.

Every property holder pays a state, a county, a school, and a city tax, if he lives in a city.

The maximum rate, that is the highest, and the minimum that is the lowest are fixed by law, while the exact rate is determined by the proper officers.

The value of the different kinds of property is determined in each county by officers called assessors, who annually find out from sworn statements of the tax payers, just what kinds and how much property is held by each. Duplicate taxation is levying a tax, twice a year and for the same purpose, on the same piece of property.

Sec. 6. The Legislature shall not impose taxes for the purpose of any county, city, town or other municipal corporation, but may by law invest in the corporate authorities thereof, respectively, the power to assess and collect taxes for all purposes of such corporation.

The city and county levy their own taxes, being restricted by the state only in the maximum amount levied.

Sec. 7. All taxes levied for State purposes shall be paid into the State treasury, and no county, city or town, or other municipal corporation, the inhabitants thereof, nor the property therein, shall be released or discharged from their or its proportionate share of taxes to be levied for State purposes.

There is no escape from taxes as property may be sold for their payment.

Sec. 8. The power to tax corporations or corporate property, both real and personal, shall never be relinquished or suspended, and all corporations in this State or doing business therein shall be subject to taxation for State, county, school, municipal, and other purposes, on real and personal property owned or used by them, and not by this Constitution exempted from taxation within the Territorial limits of the authority levying the tax.

In the case of the property of a corporation, it is treated in all respects as that of an individual being required to pay any tax that a private property holder has to pay. This rule applies only to business corporations.

Sec. 9. The rate of taxation of real and personal property for State purposes shall never exceed ten (10) mills on each dollar of assessed valuation, unless a proposition to increase such rate, specifying the rate proposed and the time during which the same shall be levied, shall have been submitted to the people at a general election, and shall have received a majority of all the votes cast for and against it at such election.

The rate of taxation mentioned in this section refers to the State only, and not to the county, city or school district. Limiting the amount that may be raised in any one year, by fixing a maximum rate, prevents the temptation and possibility

of useless and extravagant expenditures by the state government.

Sec. 10. The making of profit, directly or indirectly, out of State, county, city, town, township, or school district money, or using the same for any purpose not authorized by law, by any public officer, shall be deemed a felony, and shall be punished as provided by law.

In the sale of bonds, and in acting as custodian of funds belonging to the city, county or state, there would always be a chance for the officers in charge to use public property for private gain if it were not for the safe guards of this section.

Sec. 11. No appropriation shall be made, nor any expenditure authorized by the Legislature, whereby the expenditure of the State during any fiscal year shall exceed the total tax then provided by law, and applicable to such appropriation, or expenditure unless the legislature making such appropriation shall provide for levying a sufficient tax, not exceeding the rates allowed in section nine (9) of this article, to pay such appropriation or expenditure within such fiscal year. This provision shall not apply to appropriations or expenditures to suppress insurrection, defend the State, or assist in defending the United States in time of war.

No debt may be contracted in this state, unless a means for its payment is provided. For reasons that are obvious, this does not apply to appropriations made for suppressing insurrection or defending the state in time of war.

Sec. 12. There shall be a State Board of Equalization, consisting of the Governor, Secretary of State, Attorney General, State Auditor, and State Treasurer, whose duties shall be prescribed by law. The board of county commissioners for the several counties of the State, shall constitute boards of equalization for their respective counties, whose duties it shall be to equalize the valuation of the taxable property in the county, under such rules and regulations as shall be prescribed by law.

The state, the county, and the city each has a Board of Equalization. It is the duty of these boards to equalize, as far as possible, the valuation of the same kinds of property in order that the amount of tax paid may be just and equitable to all.

The State Board fixes the amount at which stock of a certain age and kind are to be assessed throughout the state; this is true also of other kinds of property. Should any county feel that it has been taxed more than its proportional part, it may appeal to the State Board to have the valuation of certain kinds of property reduced and the Board may, if it feels the complaint is just, make a reduction. The same rights are

accorded citizens of the county and the city before their respective Boards.

Sec. 13. No money shall be drawn from the treasury, but in pursuance of appropriations made by law.

Sec. 14. No money shall be drawn from the county treasuries except upon the warrant of a duly authorized officer, in such manner and form as shall be prescribed by the Legislature.

The State Treasurer is simply custodian of the State's money, and cannot make any payment unless authorized by the proper authorities. This is also true of the County Treasurer. The Legislature of 1905 passed a law requiring the State Treasurer to keep the money of the State, belonging to the current funds, in the various banks of the State, which may apply for its use. They pay a rate not less than two per cent on the daily balance of the money secured by them. The exact rate of interest, which is paid quarterly is fixed by the Governor, Attorney General and Secretary of State. The County Treasurer treats the money of the county in the same way.

Sec. 15. The Legislature shall provide by law, such a system of county finance, as shall cause the business of the several counties to be conducted on a cash basis. It shall also provide that whenever any county shall have any warrants outstanding and unpaid, for the payment of which there are no funds in the county treasury, the county commissioners, in addition to other taxes provided by law, shall levy a special tax, not to exceed ten (10) mills on the dollar, of taxable property, as shown by the last preceding assessment, for the creation of a special fund for the redemption of said warrants; and after the levy of such special tax, all warrants issued before such levy, shall be paid exclusively out of said fund. All moneys in the county treasury at the end of each fiscal year, not needed for current expenses, shall be transferred to said redemption fund.

At the beginning of the year the County Commissioners make an estimate of the probable expenses for the year, and fix the rate of taxation accordingly. If the rate agreed upon, does not provide a sufficient amount to meet the expenses of the County, then the Commissioners may levy a special tax not to exceed ten mills on the dollar, to pay this deficiency. If on the other hand there is a surplus, at the end of any year, it is put in the redemption fund.

Sec. 16. The Legislature shall pass all laws necessary to carry out the provisions of this article.

In the fifteen sections just mentioned, the constitution treats in a general way of the management of the Finance and

Revenue of the State; but it is left to subsequent Legislatures to pass laws necessary to carry out in detail these provisions, the law being passed as the necessity arises for it.

ARTICLE VIII.

PUBLIC INDEBTEDNESS AND SUBSIDIES.

Section 1. The Legislature shall not in any manner create any debt or debts, liability or liabilities, which shall singly or in the aggregate, exclusive of the debt of the Territory at the date of its admission as a State, exceed the sum of one and one-half per centum upon the assessed value of the taxable property in the State, except in case of war to repel an invasion or suppress insurrection, unless the same shall be authorized by law for some single object or work to be distinctly specified therein, which law shall provide ways and means, exclusive of loans, for the payment of the interest of such debt or liability, as it falls due; and also for the payment and discharge of the principal of such debt or liability, within twenty years of the time of the contracting thereof, and shall be irrevocable until the principal and interest thereon shall be paid and discharged; but no such law shall take effect until at a general election it shall have been submitted to the people, and shall have received a majority of all votes cast for and against it at such election; and all moneys raised by the authority of such law, shall be applied only to the specified object therein stated, or to the payment of the debt thereby created, and such law shall be published in at least one newspaper in each county, or city and county, if one be published therein, throughout the State, for three months next preceding the election at which it is submitted to the people. The Legislature may, at any time after the approval of such law, by the people, if no debt shall have been contracted in pursuance thereof, repeal the same.

The Constitution makes debt, beyond a certain per cent, impossible in the State, County, City or School district, unless a majority of the people authorize it by a popular vote. The only exception to this rule would be a debt contracted to defend the state in case of war, invasion or insurrection.

Sec. 2. The credit of the State shall not, in any manner, be given or loaned to, or in aid of any individual, association, municipality or corporation; nor shall the State, directly or indirectly, become a stockholder in any association or corporation.

Some of the States give large bonuses to railroads, manufactories, etc., in order to get these enterprises in the State. Such action is not allowed in this State, either by State or County.

Sec. 3. No county, city, town, township, board of education, or school district, or other subdivision of the State shall incur any indebtedness, or liability, in any manner, or for any purpose, exceeding in that year, the income and revenue provided for it for such year without the assent of two-thirds of the qualified electors thereof,

voting at an election to be held for that purpose, nor unless, before or at the time of incurring such indebtedness, provision shall be made for the collection of an annual tax sufficient to pay the interest on such indebtedness as it falls due, and also to constitute a sinking fund for the payment of the principal thereof, within twenty years from the time of contracting the same. Any indebtedness or liability incurred contrary to this provision shall be void: *Provided*, That this section shall not be construed to apply to the ordinary and necessary expenses authorized by the general laws of the State.

A debt is created for a county, city, town or school district by bonding, that is a majority of two-thirds of those interested, authorize the proper officials to borrow a certain amount of money at a certain rate of interest. The bond must be redeemed between ten and twenty years after it is given.

A sinking fund is a certain amount of the tax collected and reserved each year for the payment of the bond at maturity.

Sec. 4. No county, city, town, township, board of education, or school district, or other subdivision, shall lend, or pledge the credit or faith thereof directly or indirectly, in any manner, to, or in aid of any individual, association or incorporation, for any amount or for any purpose whatever, or become responsible for any debt, contract or liability of any individual, association or corporation in or out of this State.

The conditions in this section are similar to those mentioned in section 2 of this article.

ARTICLE IX.

EDUCATION AND SCHOOL LANDS.

Section 1. The stability of a republican form of government, depending mainly upon the intelligence of the people, it shall be the duty of the Legislature of Idaho to establish and maintain a general, uniform and thorough system of public, free common schools.

In no other nation is public education so general, or so necessary, as in the United States. Here the responsibility for government rests upon the masses. Every law passed, whether national or local is primarily the work of the individual citizen and its repeal rests with him also.

Sec. 2. The general supervision of the public schools of the State shall be vested in a board of education, whose powers and duties shall be prescribed by law; the Superintendent of Public Instruction, the Secretary of State, and Attorney General shall constitute the board, of which the Superintendent of Public Instruction shall be president.

(See School Laws on same subject).

Sec. 3. The public school fund of the State shall forever remain inviolate and intact; the interest thereon only shall be expended in the maintenance of the schools of the State, and shall be distributed among the several counties and school districts of the State in such manner as may be prescribed by law. No part of this fund, principal and interest, shall ever be transferred to any other fund, or used or appropriated except as herein provided. The State Treasurer shall be custodian of this fund, and the same shall be securely and profitably invested as may be by law directed. The State shall supply all losses thereof that may in any manner occur.

The State Treasurer is custodian of this fund, and the State Land Board invest it, only the interest can be used for any purpose whatever. If an investment is made and a loss incurred, the State makes good the loss. This is what is meant by saying the fund remains inviolate, that is never allowed to grow any smaller.

Sec. 4. The public school fund of the State shall consist of the proceeds of such lands as have heretofore been granted, or may hereafter be granted, to the State by the general government, known as school lands, and those granted in lieu of such; lands acquired by gift or grant from any person or corporation, under any law or grant of the general government, and of all other grants of land or money made to the State from the general government for general educational purposes, or where no other special purpose is indicated in such grant; all estates or distributive shares or estates that may escheat to the State; all unclaimed shares and dividends of any corporation incorporated under the laws of the State; and all other grants, gifts, devises or bequests made to the State for general educational purposes.

Sec. 5. Neither the Legislature nor any county, city, town, township, school district or other public corporation, shall ever make any appropriation, or pay from any public fund or moneys whatever, anything in aid of any church or sectarian, or religious society, or for any sectarian or religious purpose, or to help support or sustain any school, academy, seminary, college, university or other literary or scientific institution, controlled by any church, sectarian or religious denomination whatsoever; nor shall any grant or donation of land, money, or other personal property ever be made by the State or any such public corporation, to any church or for any sectarian or religious purpose.

Sec. 6. No religious test or qualifications shall ever be required of any person as a condition of admission into any public educational institution of the State, either as a teacher or student; and no teacher or student of any such institution shall ever be required to attend or participate in any religious service whatever. No sectarian or religious tenets or doctrines shall ever be taught in the public schools, nor shall any distinction or classification of pupils be made on account of race or color. No books, papers, tracts or documents of a political, sectarian or denominational character shall be used or introduced in any schools established under the provisions of this article, nor shall any teacher or any district receive any of the public school moneys in which the schools have not been taught in accordance with the provisions of this article.

Formerly in this country, as in Europe, people were taxed to support the church just as they were taxed to support the government. But a State church is prohibited both by the National Constitution and the Constitution of Idaho. The enabling act, which admitted Idaho as a State made it a condition precedent that the schools should be kept from the Sectarian control and that there should be perfect religious toleration. Sectarian teaching refers to the doctrine of any religious denomination and political or partisan, that of any of the political parties.

Sec. 7. The Governor, Superintendent of Public Instruction, Secretary of State and Attorney General shall constitute the State Board of Land Commissioners, who shall have the direction, control and disposition of the public lands of the State, under such regulations as may be prescribed by law.

Sec. 8. It shall be the duty of the State Board of Land Commissioners to provide for the location, protection, sale or rental of all the lands heretofore, or which may hereafter be, granted to the State by the general government, under such regulations as may be prescribed by law, in such a manner as will secure the maximum possible amount therefor: *Provided*, That no school lands shall be sold for less than ten (10) dollars per acre. No law shall ever be passed by the Legislature granting any privileges to persons who may have settled upon any such lands, subsequent to the survey thereof by the general government, by which the amount to be derived by the sale, or other dispositions of such lands, shall be diminished, directly or indirectly. The Legislature shall at the earliest practicable period, provide by law that the general grants of lands made by Congress to the State shall be judiciously located and carefully preserved and held in trust, subject to disposal at public auction for the use and benefits of the respective objects for which said grants of land were made, and the Legislature shall provide for the sale of said lands from time to time and for the sale of timber on said lands and for the faithful application of the proceeds thereof in accordance with the terms of said grants; *Provided*, That not to exceed twenty-five sections of school land shall be sold in any one year, and to be sold in subdivisions of not to exceed one hundred and sixty (160) acres to any one individual, company or corporation.*

STATE LANDS

Agricultural	11,000,000 acres
Grazing	20,000,000 acres
Timber	20,000,000 acres
Mineral	6,000,000 acres

In a decision of the Supreme Court, *Pike v. State Board of Land Commissioners*, the court held that the provision in Art. IX, Sec. 8 in regard to the sale of twenty-five sections of land in any one year and 160 acres to one individual applies only to public school lands or sections 16 and 36.

Of this amount, the State is entitled to the sixteenth and thirty-sixth section in every township besides special grants embracing the following:

South Idaho Insane Asylum....	50,000 acres
North Idaho Insane Asylum....	40,000 acres
University of Idaho, including Agricultural College and School of Science	286,080 acres
Penitentiary	50,000 acres
Public Buildings	32,000 acres
Normal Schools (Lewiston and Albion)	100,000 acres
Academy of Idaho	40,000 acres
Industrial Training School	40,000 acres
Other institutions	30,000 acres
<hr/>	
Total	668,080 acres

The State Board of Land Commissioners exercise the general control of all the State's land. When a township is surveyed, and thrown open for settlement by the United States' Government, the State has sixty days in which to make its selection. The Board appoints a regular State Land Commissioner who, with such assistance as they may furnish, selects and appraises as much of the other thirty-four sections as the State may desire to take.

The selections are made in lots of twenty, forty, eighty or one hundred and sixty acres. If the land be timber regular timber cruisers are employed to make estimates and selections, if agricultural, local appraisers determine its value, but in either case there is a heavy penalty attached, by law, to misrepresentation.

After the land has been selected and appraised, an abstract is made of it by the official register of the State, so that it is possible at any time to know the location, the class and appraised value of every acre of land belonging to the State.

This land is rented or sold, as seems best in the judgment of the State Land Board. If sold it cannot be for less than

its appraised value, and must, after it has been duly advertised, be sold at public auction, but in no case for less than ten dollars per acre.

To prevent large bodies of land falling into the hands of speculators, and to prevent careless Boards from squandering it, the amount sold annually, and to an individual is limited.

The amount received, from the sale of any land, is used as a permanent endowment fund for the institution to which the land belongs.

GENERAL LAND SURVEYS.

For convenience in locating any particular piece, all public land is divided into townships six miles square.

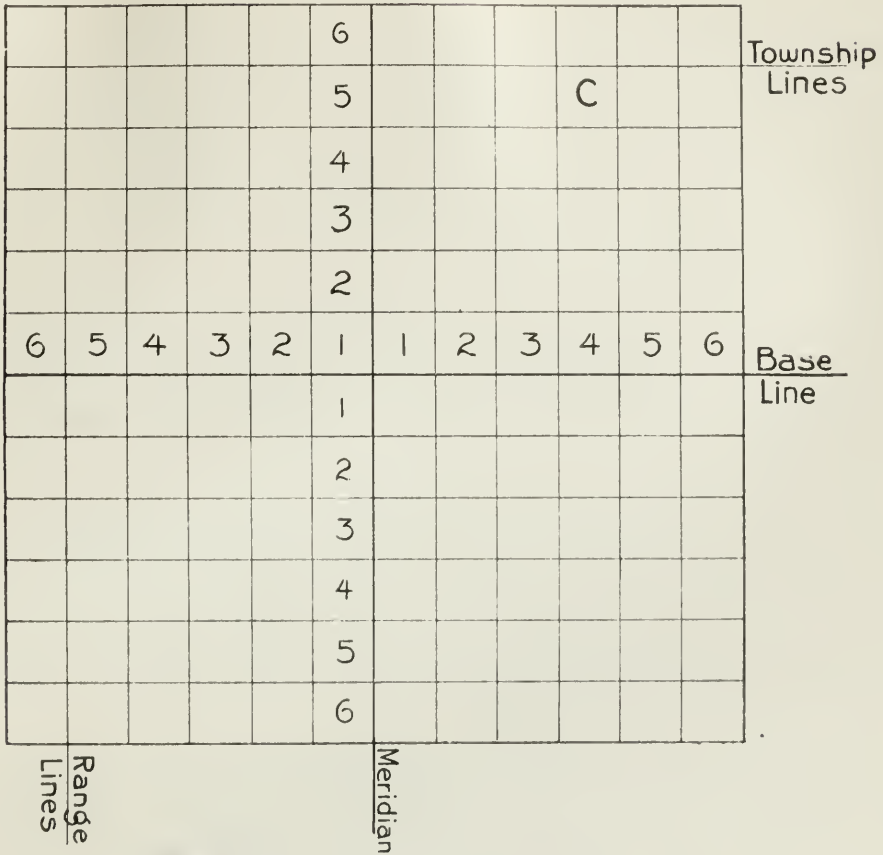
By this system lines running north and south and termed principal meridians are first established. Thus far 24 such lines have been run the first being the dividing line between Indiana and Ohio and the last running through Oregon a little west of Portland. The line used in Idaho is termed the Boise Meridian. Parallel to these lines and six miles apart other lines are run called "range lines." At right angles to the meridian is drawn a line termed the "base line" and parallel to this and six miles apart lines are drawn called township lines.

The range and township lines meeting at right angles divide the land into squares of six miles each, called townships, which contain 36 sections. The section is one mile square and is divided into four parts called quarter sections of 160 acres each and these quarter sections may be still further subdivided into parts containing forty acres each.

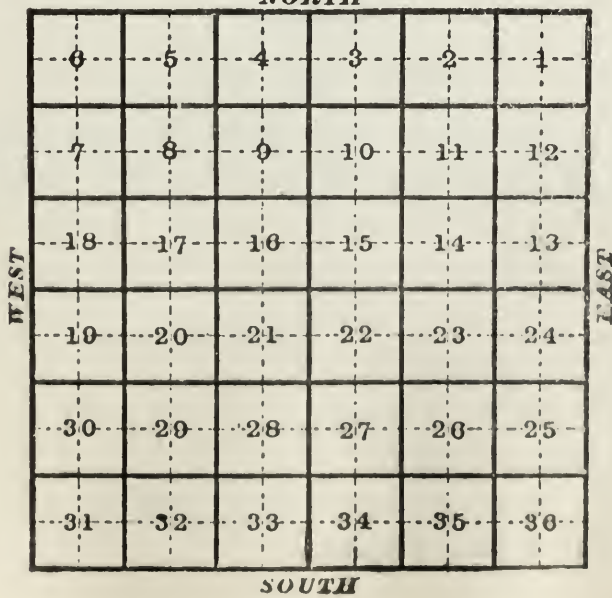
The range lines are numbered one, two, three and so on East or West according as they are East or West of the meridian, and the township lines are numbered in the same way north and south of the base line. For example C in diagram A is five lines North of the base line and four lines East of the Meridian so it would read Township five North and range four East.

Suppose that diagram B represents township C and the Northwest quarter of the section 14 is to be described, it would read, the Northwest quarter of section fourteen, township five North and range four East. The Southwest part of the same

section might be described as the Southwest quarter of the Northwest quarter of section 14 township five North and range four East.



Township ----- Range -----
County



Sec. 9. The Legislature may require, by law, that every child of sufficient mental and physical ability shall attend the public school throughout the period between the ages of six and eighteen years, for a time equivalent to three years, unless educated by other means.

Sec. 10. The location of the University of Idaho, as established by existing laws, is hereby confirmed. All the rights, immunities, franchises, and endowments, heretofore granted thereto by the Territory of Idaho are hereby perpetuated unto the said university. The regents shall have the general supervision of the university, and the control and direction of all the funds of, and appropriations to, the university, under such regulations as may be prescribed by law. No university lands shall be sold for less than ten dollars per acre, and in subdivisions not to exceed one hundred and sixty acres, to any one person, company or corporation.

See School Laws

The University has, in addition to its income from its lands, regular appropriations made by the State Legislature, as well as several thousand dollars, annually, from the National Government.

Sec. 11. The permanent educational funds other than funds arising from the disposition of university lands belonging to the State, shall be loaned on first mortgage or improved farm lands within the State; State, United States, or school district bonds, or State warrants, under such regulations as the Legislature may provide; *Provided*, That no loans shall be made of any amount of money exceeding one-third of the market value of the lands at the time of the loan, exclusive of buildings.

The University funds are invested in United States or school district bonds, State warrants, or improved real estate, all of these investments are regarded as the safest securities known.

ARTICLE X.

PUBLIC INSTITUTIONS.

Section 1. Educational, reformatory and penal institutions, and those for the benefit of the insane, blind, deaf and dumb, and such other institutions as the public good may require, shall be established and supported by the State in such manner as may be prescribed by law.

The following are the institutions of the State and their location:

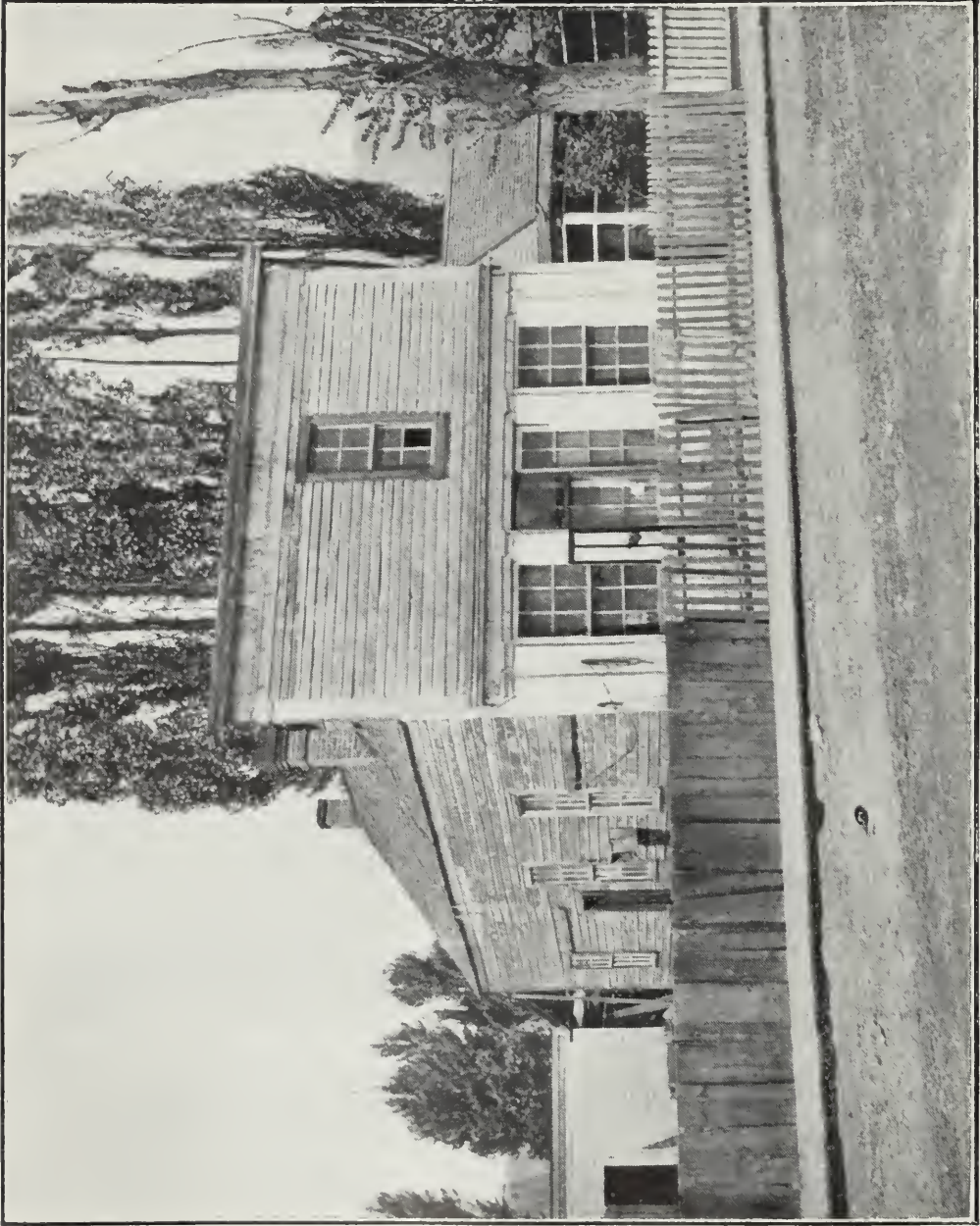
University, Moscow.

Lewiston Normal, Lewiston.

Albion Normal, Albion.

Industrial Training School, St. Anthony.

Academy of Idaho, Pocatello.



THE OLD CAPITOL BUILDING, LEWISTON, IDAHO.

In this were the offices of the Governor and some of the other executive officers, 1863-4.

Insane Asylum, Blackfoot.

Insane Asylum, Orofino.

Asylum for Feeble Minded, Nampa.

Penitentiary, Boise.

Soldiers' Home, Boise.

School for Deaf, Dumb and Blind, Gooding.

Practically all these institutions receive an income from their land endowment funds, but are largely supported, that is running expenses, by appropriations made by the Legislature.

Sec. 2. The seat of government of the State of Idaho shall be located at Boise City for twenty years from the admission of the State, after which time, the Legislature may provide for its relocation, by submitting the question to a vote of the electors of the State at some general election.

Sec. 3. The Legislature may submit the question of the location of the seat of government to the qualified voters of the State at the general election, then next ensuing, and a majority of all the votes upon said question cast at said election shall be necessary to determine the location thereof. Said Legislature shall also provide that in case there shall be no choice of location at said election, the question of choice between the two places for which the highest number of votes shall have been cast shall be submitted in like manner to the qualified electors of the State at the next general election.

There is no reason and little likelihood that the Capital will ever be removed, the method, however, by which it may be done is prescribed in the sections quoted.

Sec. 4. All property and institutions of the Territory shall, upon adoption of the Constitution, become the property and institutions of the State of Idaho.

The territory had few institutions and little property of much value when it became a State, but what it did have naturally became the property of the State.

Sec. 5. The Governor, Secretary of State and Attorney General shall constitute a board, to be known as the State Prison Commissioners, and shall have control, direction and management of the penitentiaries of the State. The governor shall be chairman, and the board shall appoint a warden, who may be removed at pleasure. The warden shall have the power to appoint his subordinates, subject to the approval of the said board.

The penitentiary is located at Boise, on a plot of ground comprising about five hundred acres. Of this there is an orchard of forty acres, a stone quarry of the same amount, and a certain amount is used for alfalfa and gardening. This affords the only employment for the convicts, as they are not

allowed to engage in any thing that would compete with free labor. While the inmates of the prison do all of the work on the grounds, yet their greatest need seems to be a means of occupying their time, when not engaged in these household duties. For their intellectual improvement there are a library of about two thousand volumes and a night school.

Sec. 6. There shall be appointed by the Governor, three directors of the asylum for the insane, who shall be confirmed by the Senate. They shall have the control, direction and management of the said asylums, under such regulations as the Legislature shall provide, and hold their offices for a period of two years. The directors shall have the appointment of the medical superintendent, who shall appoint the assistants with the approval of the directors.

ASYLUMS

The Insane Asylums are located at Blackfoot and Orofino. Here are maintained well kept farms, good orchards, fine gardens, splendid dairy herds, flocks of sheep, hogs, poultry, etc. Practically all the labor necessary for the growing and harvesting of the crops and the care of the stock, as well as other work in connection with these institutions is done by the inmates under the care of responsible attendants.

This furnishes the most satisfactory condition for the treatment of the insane which consists largely in an effort to build up the health by means of plenty of good wholesome food, exercise, employment, fresh air, sunshine and a general observance of hygienic conditions.

There are about 450 persons in these two asylums, or one for every 700 of the population of the state. Fifty per cent. of the cases of insanity are hereditary, twenty-five per cent. more are due to excessive use of intoxicants and drugs, while the remainder are due to various causes.

Fifty per cent. of those committed to the asylums recover sufficiently to return to their homes but of all committed not more than twenty-five per cent. die sane.

The probate judge decides whether one is to be committed to the asylum, being guided by competent medical advice, he also determines whether the expenses at the asylum are to be borne by the state or by those upon whom the patient is dependent, while the medical superintendent of the asylum decides when he may be released.

Sec. 7. The Legislature for sanitary reasons may cause the removal to more suitable localities of any of the institutions mentioned in section 1 of this article.

Since the sanitary conditions are carefully investigated before the State institution is located, it is not at all probable that any of them will ever be removed, because of unfavorable conditions, however such a safeguard as that herein described is a wise one.

ARTICLE XI.

CORPORATIONS, PUBLIC AND PRIVATE.

Section 1. All existing charters or grants of special or exclusive privileges, under which the corporations or grantees shall not have organized or commenced business in good faith at the time of the adoption of this Constitution, shall thereafter have no validity.

A corporation is sometimes defined as a company of people authorized by law to transact business as one individual. The incorporators get a charter, which is a contract between them and the State, that allows them certain privileges. An individual may also be given by the State certain exclusive privileges, as that of keeping a toll gate, or a road, or of conducting a ferry. But if certain privileges had been obtained from the territory, which had not been used at the time of its admission as a State, no loss could be incurred by the State's withdrawal of these privileges, especially since they could be regranted by it.

2. No charter of incorporation shall be granted, extended, changed or amended by special law, except for such municipal, charitable, educational, penal or reformatory corporations as are or may be, under the control of the State; but the Legislature shall provide by general law for the organization of corporations hereafter to be created; *Provided*, That any such general law shall be subject to future repeal or alteration by the Legislature.

Should any business corporation be able to get special laws passed for its benefit, it could crush competitors and thereby create a monopoly that would be detrimental to the best interests of the public. Such objections do not apply to charters of cities, or to the manner of conducting any of the State institutions.

Sec. 3. The Legislature may provide by law for altering, revoking, or annulling any charter of incorporation existing and revocable at the time of the adoption of this Constitution in such manner, however, that no injustice shall be done to the corporators.

Organized territories are controlled by a set of rules and regulations, prepared by Congress which are to the Territories what constitutions are to the States. When a Territory becomes a State, Congress or the Nation, ceases to exercise any local authority, and all institutions and business corporations are responsible to the State rather than to the Nation, hence a readjustment is necessary, but this, in justice to them, should be done in a way not to injure them.

Sec. 4. The Legislature shall provide by law that in all elections for directors or managers of incorporated companies, every stockholder shall have the right to vote in person or by proxy, for the number of shares of stock owned by him, for as many persons as there are directors or managers to be elected, or to cumulate said shares, and give one candidate as many votes as the number of directors multiplied by the number of his shares of stock, shall equal or to distribute them on the same principle among as many candidates as he shall think fit, and such directors shall not be elected in any other manner.

The amount of money subscribed to conduct the business of any corporation is called its stock. This stock is composed of shares representing one hundred dollars each, and for every share any stockholder owns, he has one vote. The vote may be cast by its owner, or delegated by him to some one, termed a proxy. These votes may be cast separately or collectively, that is the stockholder who has ten votes could, in case he were casting his votes for five directors, cast ten votes for each or fifty votes for one, or distribute them in any other manner he might wish so long as he used only his fifty votes. When a stockholder does not give an equal number of votes to the different objects or persons, for whom he may be voting, it is termed cumulative voting.

Sec. 5. All railroads shall be public highways, and all railroads, transportation and express companies shall be common carriers, and subject to legislative control, and the Legislature shall have power to regulate and control by law, the rates of charges for the transportation of passengers and freight by such companies or other common carriers from one point to another in the State. Any association or corporation organized for the purpose shall have the right to construct and operate a railroad between any designated points within this State, and to connect within or at the State line with railroads of other States and Territories. Every railroad company shall have the right with its road, to intersect, connect with, or cross any other railroad, under such regulations as may be prescribed by law, and upon making due compensation.

A public highway is a road controlled by the State and

the conditions on which it may be used are prescribed by law. A common carrier is a railroad, steamboat, stage or express company that does business for the general public, charging all alike for similar service and refusing none. The rates charged may be regulated by law, and in some cases are.

Each railroad has a certain amount of land over which it exercises the right for its business, but it can not prohibit another road from crossing its track, and it has the right of connecting with other roads within and without the State.

Sec. 6. All individuals, associations and corporations, similarly situated, shall have equal rights to have persons or property transported on and over any railroad, transportation, or express route in this State, except that preference may be given to perishable property. No undue or unreasonable discrimination shall be made in charges or facilities for transportation of freight or passengers of the same class, by any railroad, or transportation, or express company, between persons or places within the State; but excursion or commutation tickets may be issued and sold at special rates, provided that such rates are the same to all persons. No railroad, or transportation, or express company shall be allowed to charge, collect or receive, under penalties which the Legislature shall prescribe, any greater charge or toll for the transportation of freight or passengers, to any place or station upon its route or line, than it charges for the transportation of the same class of freight or passengers to any more distant place or station upon its route or line within this state. No railroad, express or transportation company, nor any lessee, manager, or other employee thereof, shall give any preference to any individual, association, or corporation, in furnishing cars or motive power or for the transportation of money or other express matter.

All persons must be treated alike by common carriers, and all freight received for transportation must be shipped by them, however preference may and must be given to perishable goods, as fresh fruits or meats, and a common carrier may refuse to carry a person whose presence would be injurious to his business, as for instance a drunken person or a person afflicted with a contagious disease.

Sec. 7. No corporation other than municipal corporations in existence at the time of the adoption of this Constitution, shall have the benefit of any future legislation, without first filing in the office of the Secretary of State an acceptance of the provisions of this Constitution in binding form.

The Government of the Territory granted charters to corporations, but these charters were not valid after it was admitted as a State, unless the directors or trustees filed with the Secretary of State an acceptance of its constitution. The

reason is apparent, as the State could not have within its boundaries an institution or corporation that did not recognize its authority.

Sec. 8. The right of eminent domain shall never be abridged, nor so construed as to prevent the Legislature from taking the property and franchise of incorporated companies, and subjecting them to public use the same as property of individuals; and the police powers of the State shall never be abridged, or so construed as to permit corporations to conduct their business in such manner as to infringe the equal rights of individuals, or the general well being of the State.

The State is sovereign within its own limits and can take or use the property of any individual or corporation when the public necessity demands it. Ordinarily every one manages his business in any way satisfactory to himself; should a business be so conducted, however, as to interfere with the rights of another it may be regulated by the State.

Sec. 9. No corporation shall issue stocks or bonds, except for labor done, services performed, or money or property actually received; and all fictitious increase of stock or indebtedness shall be void. The stock of corporations shall not be increased except in pursuance of general law, nor without the consent of the persons holding a majority of the stock, first obtained at a meeting, held after at least thirty days' notice given in pursuance of law.

No stock may be issued except on the conditions mentioned here. Stock issued to a person, when nothing is received for it, is termed "Watered Stock" and were it lawful would give the holder the same right to vote and draw dividends, as he who had paid full value for his stock. All increase in the number of shares of a stock company must be done at a meeting of a majority of the stockholders after all members have had due notice of the meeting.

Sec. 10. No foreign corporation shall do any business in this State without having one or more known places of business, and an authorized agent or agents in the same, upon whom process may be served; and no company or corporation formed under the laws of any other country, State or Territory, shall have or be allowed to exercise or enjoy, within this State, any greater rights or privileges than those possessed or enjoyed by corporations of the same or similar character created under the laws of this state. (In the Revised Code there has been an interchange of parts of lines 3, 4 and 5, of this section.)

A foreign corporation is one not chartered by the State of Idaho. Such a corporation may transact business on the same conditions as that chartered by the State, so long as an agent, or some responsible person, upon whom papers may be

served in a case at law, is upon the ground. But no preference is given to one corporation over another regardless of the place of its organization.

Sec. 11. No street, or other railroad, shall be constructed within any city, town or incorporated village without the consent of the local authorities having the control of the street or highway proposed to be occupied by such street or other railroad.

The streets of a town or city belong to it and not to individual property holders, and are used as public highways. They cannot be used for any other purpose unless the City Council gives its consent. This is obtained by what is termed a franchise, which is a contract between the city and one or more individuals, whereby they obtain the right to operate a railway on certain streets, the conditions being stated in the agreement.

Sec. 12. The Legislature shall pass no law for the benefit of a railroad, or other corporation, or any individual or association of individuals retroactive in its operation, or which imposes on the people of any county or municipal subdivision of the State a new liability in respect to transactions or considerations already past.

A retroactive law is one that affects some business transaction already entered into. It would be unfair to offer additional advantages or to impose additional responsibilities upon transactions already made.

Sec. 13. Any association or corporation, or the lessees or managers thereof, organized for the purpose, or any individual, shall have the right to construct and maintain lines of telegraph or telephone within this State, and connect the same with other lines; and the Legislature shall by general law of uniform operation, provide reasonable regulations to give full effect to this section.

Sec 14. If any railroad, telegraph, express, or other corporation, organized under any of the laws of this State shall consolidate by sale or otherwise with any railroad, telegraph, express, or other corporation, organized under any of the laws of any other State or Territory, or of the United States, the same shall not thereby become a foreign corporation, but the courts of this State shall retain jurisdiction over that part of the corporate property within the limits of the State in all matters that may arise, as if said consolidation had not taken place.

Sec. 15. The Legislature shall not pass any law permitting the leasing or alienation of any franchise so as to release or relieve the franchise or property held thereunder from any of the liabilities of the lessor or grantor, or lessee or grantee, contracted or incurred in the operation, use, or enjoyment of such franchise, or any of its privileges.

Railroad, telegraph and telephone lines are rarely local or

State enterprises, they are National so that they may have the right to pass from one State to another; yet the part of the lines within the State should be controlled by it. The State passes laws prescribing the conditions of construction and operating these lines, and affording them protection from any one, who would injure the property.

Nor can any company or corporation organized under the laws of this State, evade those laws by the consolidation of their business enterprises with those organized outside of the State. Escape from previous obligations cannot be had by changing business connections.

Sec. 16. The term "corporation" as used in this article, shall be held and construed to include all associations and joint stock companies having or exercising any of the powers or privileges of corporations not possessed by individuals or partnerships.

Sec. 17. Dues from private corporations shall be secured by such means as may be prescribed by law, but in no case shall any stockholder be individually liable in any amount over and above the amount of stock owned by him.

Business may be conducted by an individual or by two or more persons acting as partners, where each is responsible for all the debts contracted in the name of the partnership. The term corporation is meant to include all other methods of doing business, and dues from a corporation are obtained in the same way as dues from an individual, but the individual in a corporation is liable only to the extent of his stock.

Sec. 18. That no incorporated company, or any association of persons or stock company, in the State of Idaho shall directly or indirectly combine or make any contract with any incorporated company, foreign or domestic, through their stockholders, or the trustees or assignees of such stockholders, or in any manner whatsoever, for the purpose of fixing the price or regulating the production of any article of commerce or of produce of the soil, or of consumption by the people; and that the Legislature be required to pass laws for the enforcement thereof, by adequate penalties, to the extent, if necessary for that purpose, of the forfeiture of their property and franchise.

There is a monopoly when the output of an article can be controlled and the price raised to an exorbitant sum, as for instance the copper or lead mines in the United States might be owned by one man or company.

A syndicate is a union of bankers and capitalists, in secret arrangements, to finance or float some new enterprises in such a way as to defraud legitimate purchasers of stock in the business.

Trusts are the agreement among corporations to allow the stock of all, to be voted by a body of trustees. Pools are formed by arbitrarily dividing the freight among several competing lines of transportation thereby destroying all competition.

A rebate is a certain per cent returned to some shippers, but not to all; though all are charged alike at first.

The tendency of all these arrangements is to destroy free competition. In this state such restriction may be prevented by law.

ARTICLE XII.

CORPORATIONS—MUNICIPAL.

Section 1. The Legislature shall provide by general laws for the incorporation, organization and classification of the cities and towns in proportion to the population, which laws may be altered, amended, or repealed by the general laws. Cities and towns heretofore incorporated, may become organized under such general laws, whenever a majority of the electors at a general election, shall so determine, under such provision therefor as may be made by the Legislature.

Villages and Towns.

There is no distinction between the terms, village and town. They represent a collection of people, numbering between two hundred and one thousand and are incorporated in the following manner: A majority of the taxable inhabitants of the proposed town or village petition the county commissioners to incorporate them as a village, designating the name which they wish to assume and their proposed boundaries. If a majority of the board are in favor of their request it is granted, the board appointing five trustees who are to serve until the first regular election when their successors are chosen by the qualified electors to serve for a term of two years.

The trustees within twenty days after the election meet and choose a chairman. They also appoint a clerk, a treasurer, an attorney and such police officers as may be needed.

While the inhabitants of a village must obey all the laws of the state, the trustees may also pass laws, called ordinances, which control them in all their local affairs.

Cities.

Cities are classified according to population. Those having between one thousand and fifteen thousand inhabitants are

cities of the second class and those with a population over fifteen thousand are cities of the first class.

Village Changed to a City.

Whenever a village containing more than one thousand inhabitants desires to be organized into a city of the second class, it is necessary that a number of qualified electors, equal to three-fifths of the vote cast at the last village election, petition the village trustees to make such change. They will forthwith publish a resolution declaring such municipal corporation to be a city of the second class, designating its name. The trustees then will divide the city into not less than two and not more than six wards which are to contain as nearly as possible an equal number of legal voters.

The Council.

Each ward shall choose two councilmen who shall serve for a term of two years. This council has the power to pass ordinances regulating morality, health, light, the streets, buildings, police services, public parks, libraries, cemeteries and other matters of public interest.

Other Officers.

At the regular election there are also chosen, a mayor, a clerk, a treasurer, a city engineer, a police judge. The mayor with the consent of the council shall appoint such police officers as are necessary and may appoint a city attorney and an overseer of the streets.

Sec. 2. Any county or incorporated city or town may make and enforce, within its limits, all such local, police, sanitary, and other regulations as are not in conflict with its charter or with the general laws.

While a city is subject to all the laws of the State, the charter gives the City Council the power to pass laws, termed ordinances, which may be useful within its corporate limits.

Sec. 3. The State shall never assume the debts of any county, town, or other municipal corporation, unless such debts shall have been created to repel invasion, suppress insurrection or defend the State in war.

Every political division of the State is made responsible for its own debts, and is given power to levy a tax for their payment. the State being liable in no case except those men-

tioned in this section; and the justice of the State's payment of such debts can not be questioned since they are incurred in its defense.

Sec. 4. No county, town, city, or other municipal corporation, by vote of its citizens or otherwise, shall ever become a stockholder in any joint stock company, corporation or association whatever, or raise money for, or make donation or loan its credit to, or in aid of, any such company or association: *Provided*, That cities and towns may contract indebtedness for school, water, sanitary and illuminating purposes: *Provided*, That any city or town contracting such indebtedness shall own its own proportion of the property thus created, and receive from any income arising therefrom, its proportion to the whole amount so invested.

The only things for which towns, or cities may contract debts are for school, water, sanitary, and illuminating purposes. The people at large are interested in all of these things, and it has been demonstrated that such enterprises may be most economically conducted when owned and managed by the public.

ARTICLE XIII.

COMMISSIONER OF IMMIGRATION, LABOR AND STATISTICS

Section 1. There shall be established a bureau of immigration, labor and statistics, which shall be under the charge of a Commissioner of Immigration, Labor and Statistics, who shall be appointed by the Governor, by and with the consent of the Senate. The Commissioner shall hold his office for two years, and until his successor shall have been appointed and qualified, unless sooner removed. The Commissioner shall collect information upon the subject of labor, its relation to capital, the hours of labor and the earnings of laboring men and women, and the means of promoting their material, social, intellectual and moral prosperity. The Commissioner shall annually make a report in writing to the Governor of the State of the information collected and collated by him, and containing such recommendations as he may deem calculated to promote the efficiency of the bureau.

Idaho is a new State and has many and rich natural resources, which at present are comparatively undeveloped. Men and money are needed, and that they may be influenced to come to the State, all the inducements which it offers, to one seeking a home or investment, must be set forth. This is the work of the Commissioner of Immigration. He gathers statistics in regard to schools, churches, wages, climate, opportunities for work and investment. All of this information is arranged and printed in pamphlet form, and is sent to any one making inquiries about the State.

Sec. 2. Not more than eight (8) hours' actual work shall constitute a lawful day's work on all State and municipal works, and the legislature shall pass laws to provide for the health and safety of employees in factories, smelter, mines and ore reduction works.

The number of hours constituting a day's work, for the State or City, is eight hours; but in all private work it is left to the individuals concerned. Organized labor, in recent years, has been strong enough to secure a day of eight hours for most kinds of work.

Sec. 3. All labor of convicts, confined in the State's prison, shall be done within the prison grounds, except where the work is done on public works under the direct control of the State.

Convicts ought to be employed in some useful labor and could do much for the State in the building of roads and other public works. This could be done without in any way interfering with free labor and greatly to the advantage of the convict both in physical health and moral improvement. He is not necessarily a bad man or a "degenerate" but oftentimes merely a man who has made a mistake thru ignorance or yielding to some great temptation.

Some states allow the convicts pay for half time in their work, the money going to their family or dependant relative or to give them a start in life when released from prison, other states teach them a trade and still others use largely the parole system which diminishes by half the time of the convict on condition that he shows himself trustworthy in all his relations with prison authorities.

Everywhere it is recognized that a man reclaimed is a man that produces wealth and helps in the world's work and a man lost is a man that consumes wealth and retards the world's work.

Sec. 4. The employment of children under the age of fourteen (14) years in underground mines is prohibited.

Underground work is dangerous and unhealthy besides a child should be allowed to attend school. The State has done wisely therefore to limit, by a constitutional provision, such labor. (See School Laws).

Sec. 5. No person, not a citizen of the United States, or who has not declared his intention to become such, shall be employed upon, or in connection with, any State or municipal works.

Were it not for this provision, employers of large numbers of men would intimidate local laborers, by threatening to bring foreigners here, who would have no interest in the State beyond the wages earned while here. Men who make their homes in a community and help to build it up, should be given preference when any work is offered.

Sec. 6. The Legislature shall provide by proper legislation for giving to mechanics, laborers, and material men an adequate lien on the subject matter of their labor.

Anyone who does a piece of work, or furnishes material for doing it, is entitled to pay for labor performed or material supplied and there is a law in this State which enables him to attach the property and sell it if his claim is not satisfied. When his bill is not paid he places a lien on the property, which has all the effects of a mortgage.

Sec. 7. The Legislature may establish boards of arbitration whose duty it shall be to hear and determine all differences and controversies between laborers and their employers which may be submitted to them in writing by all the parties. Such boards of arbitration shall possess all the powers and authority in respect to administering oaths, subpoenaing witnesses, and compelling their attendance, preserving order during the sittings of the board, punishing for contempt, and requiring the production of papers and writings, and all other powers and privileges, in their nature applicable, conferred by law on justices of the peace.

Arbitration is almost always preferable to a law suit, so the Legislature has established Courts of Arbitration, where differences may be settled in this way. This board consists of two members appointed by the Governor and Senate for a term of two years and is designated the Labor Commission. Differences between employers and employees may be arbitrated when the number amounts to twenty-four. Application is made to the board which sits as an ordinary court and its decisions have all the force of those of the District Court.

Sec. 8. The Commissioner of Immigration, Labor and Statistics shall perform such duties and receive such compensation as may be prescribed by law.

The duties, of the Commissioner of Immigration, Labor and Statistics, have been described in section 1, of this article. His salary is eighteen hundred dollars per annum and he is allowed a certain amount for travelling expenses.

ARTICLE XIV.

MILITIA.

Section 1. All able-bodied male persons, residents of this State, between the ages of eighteen and forty-five years shall be enrolled in the militia, and perform such military duty as may be required by law; but no person having conscientious scruples against bearing arms, shall be compelled to perform such duty in time of peace. Every person claiming such exemption from service, shall, in lieu thereof pay into the school fund of the county of which he may be a resident, an equivalent in money, the amount and manner of payment to be fixed by law.

The religious opinions of all citizens are recognized and safe guarded by the State constitution. Some people do not think war right, and have conscientious scruples against engaging in it, such people are excused from service in the army; but may be required to pay a certain sum into the school fund of the State.

Persons in the army or navy of the United States, who have been honorably discharged, are also exempt from military service in the State.

Sec. 2. The Legislature shall provide by law for the enrollment, equipment and discipline of the militia, to conform as nearly as practicable to the regulations for the government of the armies of the United States, and pass such laws to promote volunteer organizations as may afford them effectual encouragement.

“The Commander-in-chief shall organize the Organized Militia in such division, brigades, regimental and battalion organizations as are consistent with the enlisted strength as fixed by this act to conform to an organization of like enlisted strength under the laws of the United States, and the rules and regulations of the War Department, and orders of the President.”

In accordance with this provision, the Adjutant-General has organized a regiment which is divided into three battalions, the first consisting of four companies in the north, the second of four companies in the southeast and the third, of four companies in the vicinity of Boise.

All of these are trained in accordance with the rules of the regular army, of which they are a part in case of war.

Sec. 3. All militia officers shall be commissioned by the Governor, the manner of their selection to be provided by law, and may hold their commission for such period of time as the Legislature may provide.



SOLDIERS' HOME, BOISE, IDAHO.

The governor appoints all officers for the State, and they serve for two years. All officers of the Company are appointed by its members.

Sec. 4. All military records, banners and relics of the State, except when in lawful use, shall be preserved in the office of the Adjutant General, as an enduring memorial of the patriotism and valor of the soldiers of Idaho; and it shall be the duty of the Legislature to provide by law for the safe keeping of the same.

Records, banners and relics, mean the flags carried or captured in war, or anything else emblematic of the service and bravery of the troops.

Sec. 5. All military organizations under the laws of this State shall carry no other device, banner or flag than that of the United States or the State of Idaho.

The flags carried by the regiment are two: first the United States flag, second the regimental colors, blue silk bunting 6x6 feet carried on a pike 9 feet long with the coat-of-arms of the state worked in silk on both sides and bound with blue silk fringe.

Sec. 6. No armed police force, or detective agency, or armed body of men, shall ever be brought into this State for suppression of domestic violence, except upon the application of the Legislature, or the executive when the Legislature can not be convened.

The State is supposed to have ample police protection and for this reason no armed force is allowed to be brought into the State, unless called for by the State Legislature or if it is not in session, by the Governor. This does not prevent the President of the United States from bringing troops into the State, for any purpose which he may think proper.

SOLDIERS' HOME.

The Soldiers' Home which was established by an act of the Legislature of 1893 is located near Boise and owns forty acres of land. The main building as it now stands is a two-storied edifice with a frontage of one hundred feet and a depth of ninety feet. It has a fine veranda, pleasant porches, large office, well ventilated bedrooms, hospital, baths, etc., in short everything necessary to make the declining years of the old soldier comfortable and pleasant.

All the vegetables, milk, butter and eggs, pork and chickens and almost all the fruit needed for their own use are supplied

from the farm conducted in the management of the home. The object being to reach as nearly as possible self-sustaining conditions.

The home is maintained by regular appropriations made by the State and the nation each appropriating about an equal amount. It is a home for all honorably discharged soldiers, sailors and marines who served in the Mexican, the Civil or the Spanish-American Wars or members of the National Guard who are disabled while in the line of duty, provided that the applicant must have been a resident of Idaho for not less than two years and shall have registered and voted at one or more general elections previous to his admission to the home. The institution is under the control of a board of trustees consisting of the Governor, Secretary of State and Attorney General. The officers in immediate charge are a commandant, a matron, a physician and an adjutant. The average number of soldiers accomodated is about 125.

ARTICLE XV.

WATER RIGHTS

Section 1. The use of all waters now appropriated, or that may hereafter be appropriated for sale, rental or distribution; also of all water originally appropriated for private use, but which after such appropriation has heretofore been, or may hereafter be sold, rented, or distributed, is hereby declared to be a public use, and subject to the regulation and control of the State in the manner prescribed by law.

The absolute title to a piece of land may be secured from the Government, but this does not carry with it the ownership to all of the water found on the land. While the land belongs to the United States, the water belongs to the State and the title to its use, for any other than domestic purposes, must be obtained from the State.

Application is made to the State Engineer setting forth:

1. The name and postoffice address of the applicant.
2. The source of the water supply.
3. The nature of the proposed use.
4. The location and description of the propsed ditch,

channel or other work and the amount of water to be diverted and used.

5. The time required for the completion of the construction of such works, shall in no case exceed five years. When this application is approved by the State Engineer, it entitles its holders to so much water from the source mentioned, and the title to this water is the same as a title to a piece of land, and is disposed of in the same manner.

Irrigation is practiced to some extent in Nez Perce, Latah and Idaho Counties, but the proportion of irrigated land in these counties is so small in comparison to the amount of land that is cultivated without irrigation, that this region is classed as humid and not requiring irrigation to grow and mature crops. It is truthfully said by people who have investigated and made a study of the arid region of the United States, that Idaho contains a larger area of fertile land, and has by far a greater quantity of water that is available for irrigation purposes, than any of the other States in which irrigation is required. It is this great water supply that is now attracting the attention of eminent irrigation engineers, and extensive irrigation projects are now being considered, both by the United States Government and by private capitalists.

Report of State Commissioner of Immigration, 1905.

Sec. 2. The right to collect rates or compensation for the use of water supplied to any county, city, or town, or water district, or the inhabitants thereof, is a franchise, and can not be exercised except by authority of and in the manner prescribed by law.

The city may control its own water works system, or it may grant this power to an individual or company. Such a right is termed a franchise which is nothing more than a contract stating the conditions on which the water may be furnished.

Sec. 3. The right to divert and appropriate the unappropriated waters of any natural stream to beneficial uses, shall never be denied. Priority of appropriation shall give the better right as between those using the water; but when the waters of any natural stream are not sufficient for the service of all those desiring the use of the same, those using the water for domestic purposes shall (subject to such limitations as may be prescribed by law) have the preference over those claiming for any other purpose. And those using the water for agricultural purposes shall have preference over those using the same for manufacturing purposes. And in any organized mining district, those using the water, for mining purposes, or milling purposes connected with mining, shall have preference over those using the same for

manufacturing or agricultural purposes. But the usage by such subsequent appropriations shall be subject to such provisions of law regulating the taking of private property for public and private use, as referred to in section fourteen of article 1, of this Constitution.

There are four purposes for which the right to use water may be obtained, and the order of preference will depend upon the returns obtained. Domestic or household always comes first, but which of the other comes next will depend upon the locality. Agriculture will have the preference in an agricultural district, while the mine or manufacturing will be given preference where these industries will pay better.

Sec. 4. Whenever any waters have been, or shall be, appropriated or used for agricultural purposes, under a sale, rental, or distribution thereof, such sale, rental or distribution shall be deemed an exclusive dedication to such use; and whenever such waters, so dedicated, shall have once been sold, rented or distributed to any person who has settled upon or improved land for agricultural purposes, with the view of receiving the benefits of such water under such dedication, such person, his heirs, executors, administrators, successors, or assigns, shall not thereafter, without his consent, be deprived of the annual use of the same, when needed for domestic purposes, or to irrigate the land so settled upon or improved, upon payment therefor, and compliance with such equitable terms and conditions as to the quantity used and times of use, as may be prescribed by law.

Whenever the right to use water for any purpose has been obtained that right is permanent. If a certain amount of water has been secured to improve a farm or grow an orchard, there need be no fear that the owner of either can be deprived of that water by having it diverted and used for another purpose.

Sec. 5. Whenever more than one person has settled upon, or improved land with the view of receiving water for agricultural purposes, under a sale, rental, or distribution thereof, as in the last preceding section of this article, provided, as among such persons priority in time shall give superiority of right to the use of such water in the numerical order of such settlements or improvements; but whenever the supply of such water shall not be sufficient to meet the demands of all those desiring to use the same, such priority of right shall be subject to such reasonable limitations as to the quantity of water used and times of use as the Legislature, having due regard both to such priority of right, and the necessities of those subsequent in time of settlement or improvement, may by law prescribe.

“Priority” of right means obtaining a right before another, and ordinarily the preference is given in the order in which the right is obtained. But in the case of a drouth or scarcity of water the property of one person ought not and would not be

allowed to be destroyed, because another, who obtained a prior right, would not divide the water which it was possible to obtain.

Sec. 6. The Legislature shall provide by law the manner in which reasonable maximum rates may be established to be charged for the use of water sold, rented or distributed for any useful or beneficial purpose.

The maximum rate charged for the use of water may be regulated or fixed by the County Commissioners.

ARTICLE XVI.

LIVE STOCK.

Section 1. The Legislature shall pass all necessary laws to provide for the protection of live stock against the introduction or spread of pleuro-pneumonia, glanders, splenic or Texas fever, and other infectious or contagious diseases. The Legislature may also establish a system of quarantine or inspection, and such other regulations as may be necessary for the protection of stock owners and most conducive to the stock interests within the State.

The Governor appoints a State Live Stock Sanitary Board consisting of seven members, one from each judicial district. Three of these members represent the cattle interest, three the sheep interest, and one the horse interest. This Board looks out for the live stock interests of the State. A State veterinary surgeon is also appointed by the Governor. He in turn appoints a live stock inspector, for every district in the State, which has been created by the Sanitary Board.

Each of these inspectors inspect all live stock in his district and forces the owners of all diseased stock to observe the laws in regard to quarantining, dipping or killing such stock. Every one shipping or driving from the State, must first get a permit from the constable of the precinct where the stock leaves the State. He secures a classified list of the stock, describing brands, marks, etc.

ARTICLE XVII.

STATE BOUNDARIES.

Section 1. The name of this State is Idaho, and its boundaries are as follows. See part I.

The late Perrin B. Whitman of Lewiston, Idaho, one of

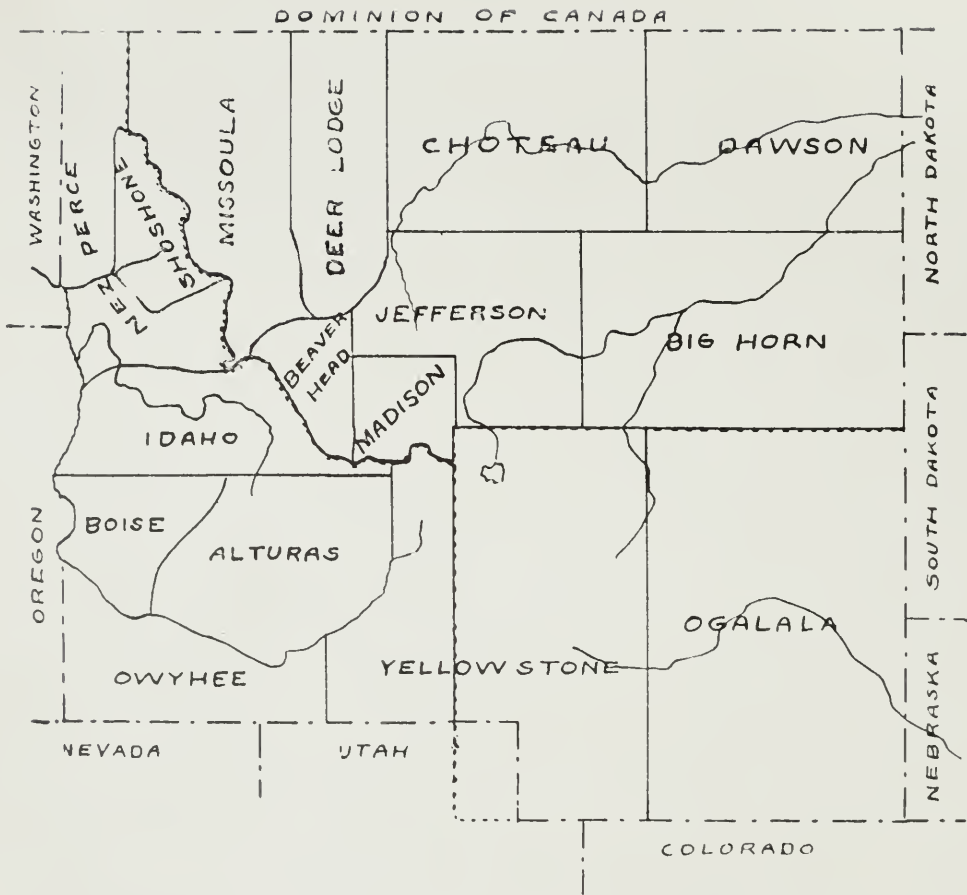
the best informed men of his time on the early history of the Northwest, gave the following explanation of the naming of the Clearwater: When the first whites came to the junction of this river and the Snake they asked the name of each, the Indians replied: "Lakah-Lakah," meaning the muddy river or the Snake and "Ki-Ki-Kimnekae," meaning the clearer of the two or the Clearwater and from this comes the name of Kooskookia the supposed Indian name for Clearwater.

ARTICLE XVIII.

COUNTY ORGANIZATION.

Section 1. The several counties of the Territory of Idaho as they now exist, are hereby recognized as legal subdivisions of this State.

County.	County Seat.	Organized
Ada	Boise	1864
Adams	Council (temporary)	1911
Bannock	Pocatello	1893
Bear Lake	Paris	1875
Bingham	Blackfoot	1885
Blaine	Hailey	1895
Boise	Idaho City	1863
Bonner	Sandpoint	1907
Canyon	Caldwell	1891
Cassia	Albion	1879
Clearwater	Orofino	1911
Custer	Challis	1881
Elmore	Mountainhome	1889
Fremont	St. Anthony	1893
Idaho	Grangeville	1862
Kootenai	Rathdrum	1864
Latah	Moscow	1888
Lemhi	Salmon City	1869
Lewis	Nezperce (temporary)	1911
Lincoln	Shoshone	1895
Nez Perce	Lewiston	1862
Oneida	Malad	1864
Owyhee	Silver City	1863
Shoshone	Wallace	1858



SKETCH OF IDAHO AND ITS COUNTIES
IN 1863

Twin Falls	Twin Falls	1907
Washington	Weiser	1879

Revised Code, p. 176-190, Session Laws 1911.

Session Laws, 1863. Bancroft's History of Pacific States, Vol. 26.

Sec 2. No county seat shall be removed unless upon petition of a majority of the qualified electors of the county, and unless two-thirds of the qualified electors of the county, voting on the proposition at a general election, shall vote in favor of such removal. A proposition of removal of the county seat shall not be submitted in the same county more than once in six years, except as provided by existing laws. No person shall vote at any county seat election who has not resided in the county six months, and in the precinct ninety days.

The location of county seats is frequently the cause of bitter factional fights between rival towns. The people of the county at large are not interested in these county seat fights, only as they are drawn into them by one faction or the other.

The Constitution makes these contests difficult by requiring a majority of two-thirds of the votes cast to carry such a proposition and by preventing their occurrence oftener than once in six years.

Sec. 3. No county shall be divided unless a majority of the qualified electors of the Territory proposed to be cut off, voting on the proposition at a general election, shall vote in favor of such division: *Provided*, That this section shall not apply to the creation of new counties. No person shall vote at such election who has not been ninety days a resident of the Territory proposed to be annexed. When any part of a county is stricken off and attached to another county, the part stricken off shall be held to pay its ratable proportion of all then existing liabilities of the county from which it is taken.

Three things may be done in regard to counties.

1. A new county may be created.
2. A county may be abolished.
3. A county may be divided by annexing a part of it to another county.

The Legislature may, by passing a law, create a new county, but it cannot abolish a county, unless a majority of the voters at an election vote to abolish it; and a part of the county can not be cut off and annexed to another county, until the Legislature has passed a law granting permission, and the

Latah has the rare if not the only distinction of a county ever having been created by a congressional Act. All counties created prior to 1863 had their boundary lines rearranged by the First Territorial legislature.

people in the part of the county affected have signified their willingness to be annexed by a majority vote.

That those voting may be bonafide residents and understand the conditions, they are required to have lived ninety days in the territory to be cut off. The part of the county annexed is required to pay its part of the debt of the county from which it was separated.

In 1905 the southern part of Shoshone County, was annexed to Nez Perce, and the Supreme Court decided that the annexed part must assume its proportional part, sixty thousand dollars, of the old debt of Shoshone County.

Sec. 4. No new counties shall be established which shall reduce any county to an area of less than four hundred square miles, nor the valuation of its taxable property to less than one million dollars. Nor shall any new county be formed, which shall have an area of less than four hundred square miles, and taxable property of less than one million dollars, as shown by the last previous assessment.

The expenses of county government are about so much, regardless of size, and that the burden may not fall too heavily upon the taxpayers, a new county must contain an area of at least four hundred square miles, and property valued at one million dollars. When a county is divided the same conditions hold good in the part of the county which remains.

Sec. 5. The Legislature shall establish, subject to the provisions of this article, a system of county governments, which shall be uniform throughout the State; and by general laws shall provide for township or precinct organizations.

All of these courts, except the District and County, hold sessions whenever a case arises that comes within their jurisdiction and is brought before them. In case of the District Court at least two sessions must be held annually in each county.

Sec. 6. The Legislature by general and uniform laws shall provide for the election biennially in each of the several counties of the State, of county commissioners, a sheriff, a county treasurer, who is ex-officio public administrator, a probate judge, a county superintendent of public instruction, a county assessor, who is ex-officio tax collector, a coroner and surveyor. The clerk of the district court shall be ex-officio auditor and recorder. No other county offices shall be established, but the Legislature by general and uniform laws shall provide for such township, precinct and municipal officers as public convenience may require, and shall prescribe their duties, and fix their terms of office. The Legislature shall provide for the strict accountability of county, township, precinct and municipal officers for all fees which may be collected by them, and for all public

and municipal moneys which may be paid to them, or officially come into their possession. The county commissioners may employ counsel when necessary. The sheriff, auditor and recorder, and clerk of the district court, shall be empowered by the county commissioners to appoint such deputies and clerical assistance as the business of their office may require, said deputies and clerical assistants to receive such compensation as may be fixed by the county commissioners. No sheriff or county assessor shall be qualified to hold the term of office immediately succeeding the term for which he was elected. The salary and qualifications of the county superintendent shall be fixed by law.*

The county officers are: County Commissioner, Sheriff, Clerk who is ex-officio Auditor and Recorder; Assessor, who is also tax collector, County Attorney, County Treasurer, County School Superintendent, Probate Judge, County Surveyor, Coroner and County Physician.

COUNTY OFFICERS.

The County Commissioners.—These officers have power, to supervise the conduct of all county officers and fix their exact salaries and bond where one is required; to divide the county into precincts, school and road districts; to appoint judges of elections and canvass all returns thereof; to layout and maintain all public highways, fences, etc.; to provide for the care of all indigent sick; to examine and allow all accounts against the county; to have charge of all county property; to fix the exact rate of school and county tax.

Sheriff—The sheriff is the chief executive officer of the county. He arrests all persons who have committed a public offense, suppresses all riots, breaches of the peace, etc.; attends all courts except probate and justices of the peace; summons juries, subpoenas witnesses, and executes the judgments of the courts; has charge of the county jails and all prisoners.

The Clerk—This officer performs three general classes of duties. As clerk he records all actions of the county and District Courts, as auditor he audits all bills against the county issuing warrants for their payment, and as recorder he records all deeds, mortgages and other papers of public record.

The Assessor—It is the duty of this officer to place a value on all taxable property and collect all county and state taxes paid by the county.

*The constitution has been amended allowing the sheriff and assessor to succeed themselves in office.

The County Attorney—He is the legal adviser of the county and defends it in all cases where it or the state is party.

The County Treasurer—This officer is custodian of all money belonging to the county, paying it out only on warrants issued by the proper officer, he is also the agent of the State Land Board for all state lands in his county.

The County School Superintendent—See School Laws.

The Probate Judge.—See p. 40.

County Surveyor—He lays out all public highways, keeps a record of all county boundary lines and makes other surveys ordered by the County commissioners.

The Coroner—This officer examines into the cause of the death of all persons when a certificate of the cause of the death is not issued by a physician.

The County Physician—This officer attends all cases of sickness in the county poor house or county hospitals and patients quarantined by the county; determines whether an inmate of the poor house is capable of performing manual labor; he is also a member of the county board of health and as such must report to the State Board of Health.

All of these officers, except the county physician who is appointed by the commissioners, are elected by the qualified electors at the regular election held in November. Their exact salaries are fixed by the county commissioners who also determine the number of clerks and salaries.

Precinct Officers—There are two justices of the peace and one constable for each precinct.

The justice of the peace has power to take acknowledgements, affidavits and depositions; to administer oaths; to solemnize marriages; has jurisdiction in all civil cases amounting to not more than three hundred dollars, and in criminal cases classed as a misdemeanor.

Road Overseers—It is the duty of this officer to keep in good repair all public roads in his district; give notice to all persons liable to work on the road of the time and place where they are to work; receive and present petitions for new roads; collect all road poll tax and make proper reports to the county commissioners.

Sec. 7. All county officers, and deputies when allowed, shall receive, as full compensation for their services, fixed annual salaries, to be paid quarterly out of the county treasury, as other expenses are paid.

All actual and necessary expenses, incurred by any county officer or deputy, in the performance of his official duties, shall be a legal charge against the county, and may be retained by him out of any fees, which may come into his hands. All fees, which may come into his hands from whatever source, over and above his actual and necessary expenses, shall be turned into a county treasury at the end of each quarter. He shall at the end of each quarter file with the clerk of the board of county commissioners, a sworn statement, accompanied by proper vouchers, showing all expenses incurred and all fees received, which must be audited by the board as other accounts.

Sec. 8. The compensation provided in section seven (7) for the officers therein mentioned shall be paid by fees or commissions, or both, as prescribed by law. All fees and commissions received by such officers in excess of the maximum compensation per annum provided for each in section seven (7) of this article shall be paid to the county treasurer, for the use and benefit of the county. In case the fees received in any one year by any one such officer, shall not amount to the minimum compensation per annum therein provided, he shall be paid by the county a sum sufficient to make his aggregate annual compensation equal to such minimum compensation.

Sec. 9. The neglect or refusal of any county officer or deputy to account for and pay into the county treasury any money received as fees or compensation, in excess of his actual and necessary expenses incurred in the performance of his official duties, within ten days after his quarterly settlement with the county, shall be a felony and the grade of the crime shall be embezzlement of public funds, and be punishable as provided for such offenses.

The officers turn over to the county all fees received by them except for the expenses incurred in the performance of their duty.

Sec. 10. The Board of County Commissioners shall consist of three members, whose term of office shall be two years.

Sec. 11. County, township and precinct officers shall perform such duties as shall be prescribed by law.

ARTICLE XIX.

Section 1. Until otherwise provided by law the apportionment of the two houses of the Legislature shall be as follows:

Here follows an enumeration of the counties embraced in the sixteen senatorial districts.

Sec. 2. The several counties shall elect the following members to the House of Representatives.

Here follows an enumeration of the counties and the number of members to which each county was entitled.

As new counties are being created from time to time and the population increases rapidly, the Legislature changes these ratios of apportionment yet they must always allow each county, at least one representative and the plan has been for each county to have a senator but as the number of counties now exceed the constitutional number of senators this will not be possible unless the constitution be amended.

ARTICLE XX.

AMENDMENTS.

Section 1. Any amendment or amendments to this Constitution may be proposed in either branch of the Legislature, and if the same shall be agreed to by two-thirds of all members of each of the two houses, voting separately, such proposed amendment or amendments shall, with the yeas and nays thereon, be entered on their journals, and it shall be the duty of the Legislature to submit such amendment or amendments to the electors of the State at the next general election, and cause the same to be published without delay for at least six consecutive weeks, prior to said election, in not less than one newspaper of general circulation published in each county; and if a majority of the electors shall ratify the same, such amendment or amendments shall become a part of this Constitution.

Sec. 2. If two or more amendments are proposed, they shall be submitted in such manner that the electors shall vote for or against each of them separately.

Sec. 3. Whenever two-thirds of the members elected to each branch of the Legislature shall deem it necessary to call a convention to revise or amend this Constitution, they shall recommend to the electors to vote at the next general election for or against a convention, and if a majority of all the electors voting at said election shall have voted for a convention, the Legislature shall at the next session provide by law for calling the same, and such convention shall consist of a number of members not less than double the number of the most numerous branch of the Legislature.

Sec. 4. Any amendment adopted by such convention, shall have no validity until it has been submitted to, and adopted by, the people.

The formation of new Constitutions and the amendment of old have been quite frequent. State Constitutions in the first place are not always carefully framed, and new conditions continually arising demand changes. Amendments may be submitted in two ways.

1. By being proposed by two-thirds of both houses of the State Legislature.

2. By being proposed by a convention called for that purpose.

In either case the amendment must be adopted by the people at a popular election. Plenty of time is allowed to elapse between proposing and the adoption of an amendment, to insure its careful consideration by the people.

ARTICLE XXI.

SCHEDULE AND ORDINANCE.

Section 1. That no inconvenience may arise from a change of the Territorial government to a permanent State government, it is declared that all writs, actions, prosecutions, claims, liabilities, and obligations against the Territory of Idaho, of whatsoever nature, and rights of individuals, and of bodies corporate, shall continue as if no change had taken place in this government; and all process which may, before the organization of the Judicial department under this Constitution, be issued under the authority of the Territory of Idaho, shall be as valid as if issued in the name of the State.

Sec. 2. All laws now in force in the Territory of Idaho which are not repugnant to this Constitution shall remain in force until they expire by their own limitation or be altered or repealed by the Legislature.

Sec. 3. All fines, penalties, forfeitures, and escheats accruing to the Territory of Idaho, shall accrue to the use of the State.

Sec. 4. All recognizances, bonds, obligations, or other undertakings heretofore taken, or which may be taken before the organization of the judicial department under this Constitution, shall remain valid, and shall pass over to and may be prosecuted in the name of the State; and all bonds, obligations or other undertakings executed by this Territory, or to any other officer in his official capacity, shall pass over to the proper State authority, and to their successors in office, for the uses therein respectively expressed, and may be sued for and recovered accordingly. All criminal prosecutions and penal actions which have arisen, or which may arise before the organization of the judicial department under this Constitution, and which shall then be pending, may be prosecuted to judgment and execution in the name of the State.

Sec. 5. All officers, civil and military, now holding their offices and appointments in this Territory under the authority of the United States, or under the authority of this Territory, shall continue to hold and exercise their respective offices and appointments until suspended under this Constitution.

Idaho was an organized territory before it became a State, and had practically all of the means of government it now has in the State, County and City. That there might be no confusion or delay in the administration of government during the change from a territory to a State, the Constitution provided:

1. That all laws not repugnant to the Constitution should remain in force.

2. That all civil and criminal actions then in court should remain until disposed of by the new courts.

3. That all officers should be retained till their successors were elected and qualified.

4. That all bonds, obligations, etc., should remain in force.

Sec. 6. This Constitution shall be submitted for adoption or rejection, to a vote of the electors qualified by the laws of this Territory to vote at all elections, at an election to be held on the Tuesday next after the first Monday in November, A.D., 1889. Said election shall be conducted in all respects in the same manner as provided by the laws of the Territory for general election, and the returns thereof shall be made and canvassed in the same manner and by the same authority as provided in cases of such general elections and abstracts of such returns duly certified, shall be transmitted to the board of canvassers now provided by law for canvassing the returns of votes for delegates in congress. The said canvassing board shall canvass the votes so returned and certify and declare the result of said election in the same manner, as is required by law for the election of said delegates.

At the said election the ballots shall be in the following form: for the Constitution—yes; no.

And as a heading to each of the said ballots shall be printed on each ballot, the following instructions to voters.

"All persons who desire to vote for the Constitution, or any of the articles submitted to a separate vote, may erase the word "no."

All persons who desire to vote against the Constitution, or against any article submitted separately may erase the word "yes."

"Any person may have printed or written on his ballot only the words, "For the Constitution," or "Against the Constitution," and such ballots shall be counted for or against the Constitution accordingly.

Sec. 7. This Constitution shall take effect and be in full force immediately upon the admission of the Territory as a State.

In the summer of 1889 a convention met at Boise, and framed a constitution which was later adopted by the people. Congress passed a bill, which was approved by President Harrison, on July 3, 1890, admitting the territory as a state. The Constitution then went into effect and Idaho became one of the sovereign States of the Union.

Sec. 8. Immediately upon the admission of the Territory as a State, the Governor of the Territory, or in case of his absence or failure to act, the Secretary of the Territory, or in case of his absence or failure to act, the President of this convention, shall issue a proclamation, which shall be published, and a copy thereof mailed to the chairman of the board of county commissioners of each county, calling an election by the people of all State, district, county, township, and other officers creative and made elective by this Constitu-

tion, and fixing a day for such election, which shall not be less than forty days after the date of such proclamation, nor more than ninety days after the admission of the Territory as a State.

In accordance with this section Honorable Geo. L. Shoup, who was then territorial Governor issued a proclamation on July 18, 1890, naming October 1, 1890, as the day on which the election was to take place.

Sec. 9. The board of commissioners of the several counties shall thereupon order such election for said day, and shall cause notice thereof to be given, in the manner and for the length of time provided by the laws of the Territory in cases of general elections for delegate to Congress and county and other officers. Every qualified elector of the Territory, at the date of said election, shall be entitled to vote thereat. Said election shall be conducted in all respects in the same manner as provided by the laws of the territory for general elections. and returns thereof shall be made and canvassed in the same manner and by the same authority as provided in cases of such general election; but returns for all State and district officers and members of the Legislature, shall be made to the canvassing board hereinafter provided for.

Sec. 10. The Governor, Secretary, Controller, and Attorney General of the Territory, and the President of this convention, or a majority of them, shall constitute a board of canvassers to canvass the vote at such elections for all State and district officers and members of the Legislature. The said board shall assemble at the seat of government of the Territory, on the thirtieth day after the date of such elections (or on the following day if such day fall on Sunday,) and proceed to canvass the vote for all State and district officers and members of the Legislature, in the manner provided by the laws of the Territory for canvassing the vote for delegate to congress, and they shall issue certificates of election to the persons found to be elected to said offices severally, shall make and file with the Secretary of the Territory an abstract certified by them, of the number of votes cast for each person for each of said offices and of the total number of votes cast in each county.

11. The canvassing boards of the several counties shall issue certificates of election to the several persons found by them to have been elected to the several county and precinct offices.

The number of votes cast in each precinct, for the various county and state officers, is sent to the County Commissioners, who act as a Board of Canvassers, that is, determine which county and precinct officers have been elected. They also send to the State Board of Canvassers, the number of votes cast in their county, for each of the State officers, and this Board declares which officers have been elected.

The State Board of Canvassers is composed of Governor, Secretary of State, Auditor, Treasurer and Attorney General. This Board canvasses the vote on the twentieth day after

an election and issues certificates of election to the successful candidates.

The County Board is required to do a similar work for the county officers, on the tenth day after an election.

12. All officers elected at such election shall, within thirty days after they have been declared elected, take the oath required by this Constitution and give the same bond required by the law of the Territory to be given in case of like officers of the Territory, district or county, and shall thereupon enter upon the duties of their respective offices; but the Legislature may require by law all such officers to give other or further bonds as a condition of their continuance in office.

Sec. 13. All officers elected at said election, shall hold their offices until the Legislature shall provide by law, in accordance with this Constitution, for the election of their successors and until such successors shall be elected and qualified.

All who are elected to office must qualify before entering upon the duties of that office. To qualify means, to take the oath of office, and furnish bond wherever it is required. In the case of the first officers, they assumed the duties of their office within thirty days after their election, but since that time, the term of office of State and District officers, of Judges of the Supreme and District Courts commenced the first Monday of January next after their election while in the case of county officers it is the second Monday in January.

Sec. 14. The Governor-elect of the State, immediately upon his qualifying and entering upon the duties of his office, shall issue his proclamation convening the Legislature of the State at the seat of government on a day to be named in said proclamation and which shall not be less than thirty nor more than sixty days after the date of such proclamation. Within ten days after the organization of the Legislature both houses of the Legislature shall then and there proceed to elect, as provided by law, two Senators of the United States for the State of Idaho. At said election the two persons who shall receive the majority of all the votes cast by said Senators and Representatives, shall be elected as such United States Senators, and shall be so declared by the presiding officers of said joint session. The presiding officers of the Senate and House, shall issue a certificate to each of said Senators, certifying his election, which certificate shall also be signed by the Governor and attested by the Secretary of State.

See Part I.

Sec. 15. The Legislature shall pass all necessary laws to carry into effect the provisions of this Constitution.

Whenever a clause in the State Constitution is not self operative, the Legislature passes the laws necessary for putting it into effect.

Sec. 16. Whenever any two of the judges of the Supreme Court of the State, elected under the provisions of this Constitution, shall have qualified in their offices, the causes then pending in the Supreme

Court of the Territory and the papers, records, and proceedings of said court, and the seal and other property pertaining thereto, shall pass into the jurisdiction and possession of the Supreme Court of the State and until so superceded the Supreme Court of the Territory and the judges thereof shall continue, with like powers and jurisdiction, as if this Constitution had not been adopted. Whenever the judge of the District Court of any district elected under the provisions of this Constitution, shall have qualified in office, the several causes then pending in the District Court of the Territory, within any county in such district, and the records, papers, and proceedings of said district court, and the seal and other property pertaining thereto shall pass into the jurisdiction and possession of the District Court of the State for such county; and until the District Courts of this Territory shall be superceded in the manner aforesaid, the said District Courts and the Judges thereof shall continue with the same jurisdiction and power to be exercised in the same judicial district respectively, as heretofore constituted under the laws of the Territory.

It is of the utmost importance that courts of justice shall always be open, in order that there may be no delay in the enforcement of law. So it was provided that the Territorial judges should remain in office until their successors were ready to assume their duties.

Sec. 17. Until otherwise provided by law, the seals now in use in the Supreme and District Courts of this Territory are hereby declared to be the seals of the Supreme and District Courts, respectively, of the State.

Sec. 18. Whenever this Constitution shall go into effect, the books, records, and papers, and proceedings of the probate court in each county, and all causes and matters of administration and other matters pending therein, shall pass into the jurisdiction and possession of the probate court of the same county of the State, and the said probate court shall proceed to final decree and judgment, order, or other determination in the said several matters and causes as the said probate court might have done if this Constitution had not been adopted.

All the seals, books, records, etc., of the Territory became the property of the State upon its admission. This was necessary that there might not be an break in the administration of justice.

Sec. 19. It is ordained by the State of Idaho that perfect toleration of religious sentiment shall be secured, and no inhabitant of said State shall ever be molested in person or property on account of his or her mode of religious worship. And the people of the State of Idaho do agree and declare that we forever dis claim all right and title to the unappropriated public lands lying within the boundaries thereof, and to all lands lying within said limits, owned or held by any Indians or Indian tribes; and until the title ther to shall have been extinguished by the United States, the same shall be subject to the disposition of the United States, and said Indian lands shall remain under the absolute jurisdiction and control of the Congress of the United States; that the lands belonging to citizens of the

United States, residing without the State of Idaho, shall never be taxed at a higher rate than the lands belonging to the residents thereon. That no taxes shall be imposed by the State on the lands or property therein belonging to, or which may hereafter be purchased by, the United States or reserved for its use. And the debts and liabilities of this Territory shall be assumed and paid by the State of Idaho. This ordinance shall be irrevocable, without the consent of the United States and the people of the State of Idaho.

Perfect Religious freedom is granted every citizen of Idaho. With the exception of the thirteen original colonies and Texas, no State has ever owned any public land, except that granted it by the general government.

The Indian Reservations, forts, arsenals and dock yards are under the immediate control of the general government, and are not subject to taxation by the State in which they are located. Property of non-residents is treated in the same manner as that of residents. Neither individuals nor institutions can escape their legal obligations by changing their conditions.

Sec. 20. That in behalf of the people of Idaho, we in convention assembled, do adopt the Constitution of the United States.

Done in open convention at Boise City, in the Territory of Idaho, this sixth day of August, in the year of our Lord, one thousand eight hundred and eighty-nine.

Although the framers of the Constitution of the State, do not formally acknowledge that they accepted it, yet all testified by their signatures that it was framed by their convention.

BOOKS OF REFERENCE

- Debates of the Constitutional Convention.
- Journals of the Senate 1890-1911.
- Journals of the House 1890-1911.
- Reports of the executive officers, 1890-1911.
- Reports of the Boards, 1890-1911.
- Reports of the Commissioners, 1890-1911.
- Reports and catalogues of the State Institutions, 1890-1911.
- Reports of the Supreme Court of the State, 1890-1911.
- Newspaper Files, 1890-1911.
- Messages of the Governors, 1890-1911.
- Session Laws, 1890-1911.

The American Constitutional System. The Century Co., N. Y.

City Government in the United States—F. J. Goodnow. The Century Co., N. Y.

Party Government.—J. Macy. The Century Co., N. C.

American Legislatures and Legislative Methods. The Century Co., N. Y.

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Territories and Colonies.—W. F. Willoughby. The Century Co., N. Y.

Local Government in Towns, Counties and Villages.—John A. Fairlie. The Century Co., N. Y.

The American Executive and Executive Methods.—J. H. Finley. The Century Co., N. Y.

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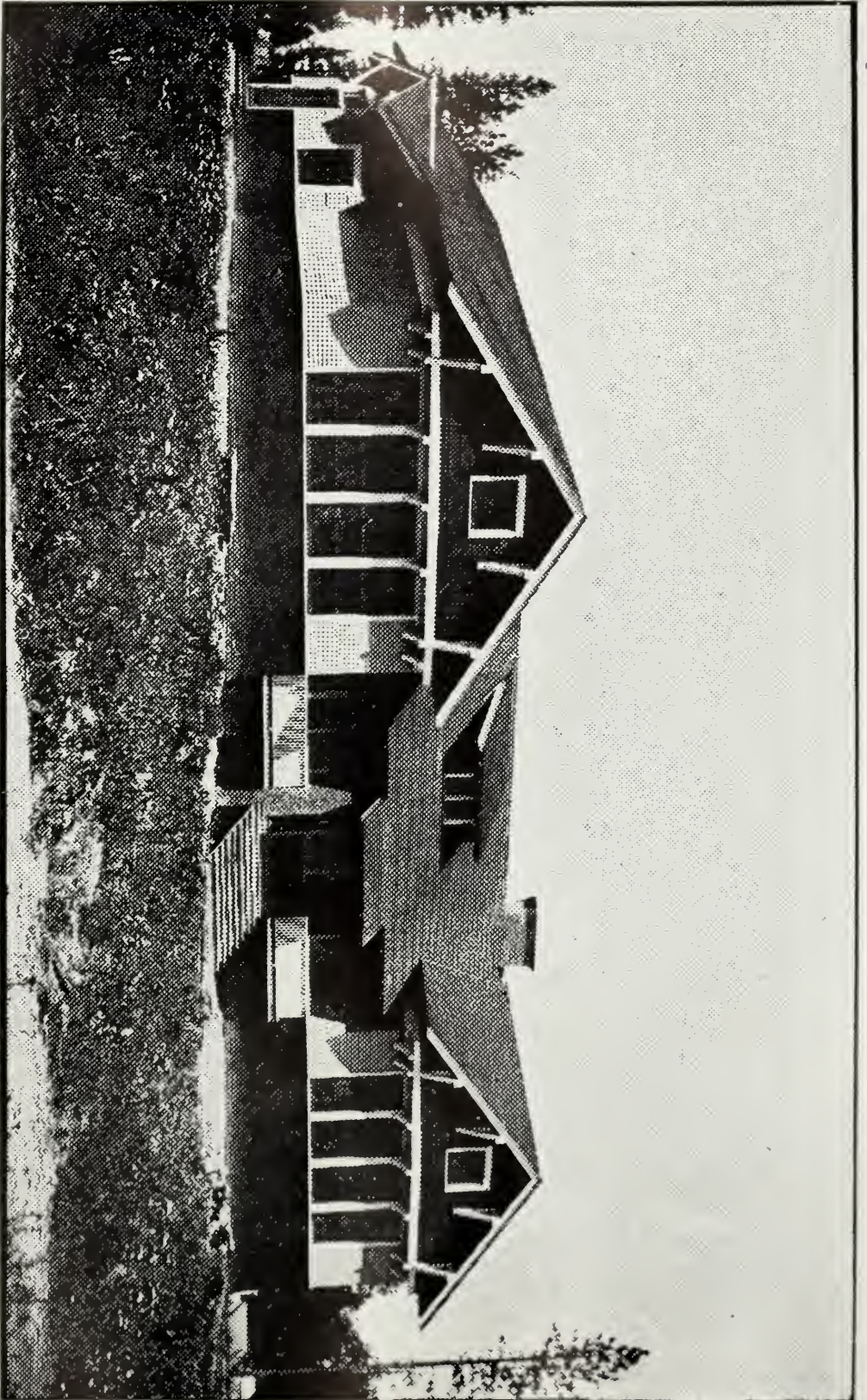
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Readings on American Federal Government.—P. Reinsch. Ginn & Co.

Local Constitutional History of the U. S.—G. E. Howard, Johns Hopkins University, Baltimore, Md.

Federal and State Constitutions of the U. S.—F. J. Stimson. Boston Book Co.

How to Study and Teach History and Civics in the Grades. H. L. Talkington, Public School Pub. Co., Bloomington, Ill.



RURAL SCHOOL BUILDING, WINCHESTER
R. S. Loring, Architect, Lewiston, Idaho.

THE SCHOOL LAWS OF IDAHO

ARTICLE I.

STATE BOARD OF EDUCATION

Section 2. The Superintendent of Public Instruction, the Secretary of State and the Attorney General shall constitute the State Board of Education, of which the Superintendent shall be president. The Board shall have power to appoint a secretary.

Sec. 3. **Duties and Powers.** The State Board of Education shall have duties and powers subject to the provisions of this Act as hereinafter provided in Sections 4-18 inclusive.

Sec. 4. **Recommend Legislation.** To report and to recommend to the Governor and to the Legislature, legislation needed to make the public schools of this State more efficient and useful.

Sec. 5. **General Supervision.** To have general supervision of the educational work in institutions wholly or partly supported by the State, which are not under the supervision of the public school authorities.

Sec. 6. **Encourage Manual Training, Etc.** To encourage and promote agricultural education, manual training, domestic science, and such other vocational and practical education as the needs of this State may from time to time require.

Sec. 7. **Sanitation of School Buildings.** To prescribe rules and regulations for the sanitary equipment and inspection of school buildings, and to take such other action as it may deem necessary and expedient to promote the physical and moral welfare of the children of the public schools of this State.

Sec. 8. **Supervision of Superintendents.** To have general supervision of the work of the County and City Superintendents and of the public schools of the State.

Sec. 9. **Course of Study.** To prepare or cause to be prepared a course of study for the public schools of the State and to prescribe the use that shall be made of the same.

Sec. 10. **Examination Questions.** To prepare or cause to be prepared examination questions for all classes of teachers' certificates requiring written examinations.

Sec. 11. **Examining Board.** To appoint a sufficient number of competent examiners to read and grade the papers of all applicants for all classes of certificates, and to pay such examiners for such services a sum not to exceed Five Dollars (\$5.00) per diem, together with actual mileage and expenses for all time spent upon

Note—Sec. 1 of this article is a repealing clause and of no value in this work.

examining papers and for all time necessarily consumed enroute to and from the place where the grading is done. Said payments shall be made out of the funds of the State Board of Education.

Sec. 12. Record of Examinations. To keep a record of the grades made by all persons taking examinations, to preserve all examination papers for ninety (90) days, and to keep a record of all certificates granted or revoked, showing to whom issued, age of grantee, date of issue, grade and duration of each certificate, and, if revoked, the date and reason therefor.

Sec. 13. Report on Examinations. To report to the County Superintendents on the grades of each and every applicant for county certificates from the respective counties throughout the State, such reports to constitute the authority for the issuance of such county teachers' certificates as are provided by law.

Sec. 14. Institutes. To prescribe rules and regulations for the holding of teachers' county and joint county institutes, said institutes being convened as provided by this Act as such times and places as shall be determined by the County Superintendents of the respective counties.

Sec. 15. Officers and Meetings. The State Board of Education shall have such officers as it shall deem necessary, define their duties and elect them annually. It shall fix the times of its regular meetings, which shall be held at least semi-annually, and the manner of call-special meetings; it shall make its own by-laws and all regulations deemed necessary to carry on the proper work and affairs of the Board.

Sec. 16. Office. The office of the Superintendent of Public Instruction shall be the office of the State Board of Education.

Sec. 17. Place of Meeting. The regular place of meeting of the State Board of Education shall be in the State Capitol, but the Board may meet elsewhere when it is deemed necessary to do so.

Sec. 18. Employ Assistance. The State Board of Education shall have the power to employ such assistance and to incur such other expense as it finds necessary for the performance of its duties within the limits of its funds and of the appropriation made for its use.

COMMENT.

This is one of the most important boards provided for in the State Constitution, and the recent laws have greatly enlarged the scope of its authority as well as increased its responsibilities.

It arranges the course of study for the ninety-four thousand three hundred and ninety-five children of school age in this state and determines the qualifications of the two thousand three hundred teachers who teach them; prescribes the rules and regulations for the sanitary equipment and inspection of the one thousand one hundred school houses of the state; ap-

points the members of the State Board of Text Book Commissioners who select the books used in the public schools; prepares the list of books for school libraries and questions for all teachers' examinations; exercises a general supervision over county and joint institutes and as members of the Board of Land Commissioners, this same board has control of over \$2,000,000 endowment funds of the schools, as well as many millions in school lands.

ARTICLE II.

STATE SUPERINTENDENT OF PUBLIC INSTRUCTION.

Section 19. Election, Qualifications, Residence and Oath of Office. There shall be elected biennially, by the qualified electors of the State, a State Superintendent of Public Instruction, who shall reside at the seat of government, and shall perform such duties as are prescribed by the constitution and laws of the State. No person shall be a candidate for the office of State Superintendent who does not hold a valid State or State Life Certificate, and who is not at the time of nomination actively engaged in educational work in the State public schools or in the State educational institutions. Before entering upon the duties of his office, the State Superintendent of Public Instruction shall take and subscribe to the oath prescribed by the constitution, and execute a bond in the penal sum of Two Thousand Dollars (\$2000), payable to the State of Idaho, with sureties to be approved by the Governor, conditioned upon the faithful performance of his official duties, and the delivery to his successor of all books, papers, documents or other property belonging to the office. Said bond and oath shall be deposited with the Secretary of State.

Sec. 20. Office, Seal, Etc. He shall have an office at the Capitol, where a seal shall be kept which shall be the official seal of the State Board of Education, by which all official acts may be authenticated, and all records, books and papers pertaining to the business of this office. He shall file all papers, reports and public documents transmitted to him by the County Superintendents of the several counties, and hold the same in readiness to be exhibited to the Governor, or to any Committee of any House of the Legislature, or to any citizen of the State.

Sec. 21. Meetings With Superintendents. He shall summon the County Superintendents, or the City Superintendents and District Principals of Graded Schools, of each judicial district, or of two or more districts combined, to meet jointly or separately at such time and place as he shall appoint, giving them due notice of such meeting. The object of such meetings shall be to discuss school organization, school supervision, and such other matters as may properly come before such meetings.

The term "District Principal" means the head teacher of a graded school of four or more teachers, but smaller than a Class A Independent District school, whether such school be maintained under Article V or under Article XIII of this Act.

Sec. 22. **General Duties.** (a) He shall be the executive officer of the State Board of Education and shall enforce their rules and regulations, and as such executive officer shall see that all matters requiring the decision of the Board are promptly placed before them for decision, and shall faithfully execute all duties devolving upon said Board through their executive officer.

(b). He shall prepare, have printed and furnished, through the County Superintendents, to all officers charged with the administration of the laws relating to the public schools, and to teachers, such blank forms and books as are needed or required to be used in the discharge of their duties. He shall have the law relating to the public schools printed in pamphlet form and shall supply school officers, school libraries and State libraries with one copy each of said pamphlets; said printing to be paid for on the warrant of the Auditor out of the general fund, on bills approved by the State Board of Examiners.

(c). He shall, on or before the first day of December in every year preceding a regular session of the Legislature, report to the Governor the condition of the public schools, the amount of the State School Fund apportioned and sources from which derived, with such suggestions and recommendations relating to the affairs of his office as he may think proper.

(d). It shall be his duty to visit annually such counties of the State as most need his personal attention, and all counties if practicable, for the purpose of inspecting the schools and awakening and guiding public sentiment in relation to the practical interests of education. He shall open such correspondence as may enable him to obtain all necessary information relating to the system of public education in other states.

(e). All office, fuel, furniture, books, postage, stationery and other contingent expenses pertaining to his office, shall be furnished in the same manner as those of other departments of the State government.

COMMENT.

The State School Superintendent is president of the State Board of Education, secretary of the State Library Commission, is a member of the State Land Board, State Text Book Commission and Summer Normal, is ex-officio a trustee of the Normal and Industrial Training Schools. She is the only executive officer of the state of whom any educational qualification is required and, with the exception of the governor exercises the greatest executive authority.

The questions for teachers' and eighth grade examination come from her office and the papers of all teachers who take the examination are graded there and certificates issued. She prepares the course of study for the Public Schools and list of books from which selections are made for school and the

Traveling Libraries. All blank forms and books used by County School Superintendents are prepared at her office. She annually visits the various counties of the state inspecting schools and summer normals; attends teachers' institutes and co-operates with the County School Superintendents in their work; prepares reports showing the condition of the various phases of the educational work, apportions semi-annually the school money. In brief she is the chief executive officer of the public schools of the state.

Sec. 2, 8, 9, 11, 13, 14, 19, 22, 23, 66, 114, 120, 174, 187, 189, 804, 806.

ARTICLE III.

BOARD OF TEXT BOOK COMMISSIONERS.

Section 23. Constitution of Board. It shall be the duty of the State Board of Education of the State of Idaho to appoint a State Board of Text Book Commissioners, on or before the first day of April, 1907. Said Board shall consist of seven (7) members, one (1) of whom shall be the State Superintendent of Public Instruction, who shall be ex-officio chairman of the said Board, and two (2) of whom shall be practical business men. Any resident of the State of Idaho who has had not less than five (5) years' experience as a teacher, and who, at the time of receiving and holding the appointment, shall be actually engaged in school work in the State of Idaho, shall be eligible for appointment to membership of said State Board of Text Book Commissioners as herein provided. The term of office of said Board shall be six (6) years, and the State Board of Education of the State of Idaho is hereby empowered to fill any vacancy that may arise in said Board. Said Board shall have power to formulate rules for the government of its own proceedings, and three (3) members shall constitute a quorum; Provided: That the restrictions relating to the eligibility for appointment to membership do not include the appointment of the two (2) business men.

Sec. 24. Meetings, When and Where Held. The said Board of Text Book Commissioners shall hold its first meeting at the State Capitol, in the Senate chamber, on or before the fifteenth day of April, 1907, for the purpose of organization and the formulation of terms of proposals and contracts for the furnishing of text books to the State of Idaho. The second meeting shall be held at the same place not later than the seventh day of June, 1907, for the purpose of selecting and adopting a uniform series of text books for use in all the public schools of the State, excepting as hereinafter provided. Any and all subsequent meetings of said State Board of Text Book Commissioners shall be held at a time and place designated by the State Superintendent of Public Instruction, and the said Superintendent of Public Instruction is hereby authorized to call any such meeting; Provided: That such subsequent meeting shall be called only in accordance with the formal written request of a majority of the members of the said State Board of Text Book Com-

missioners. Such formal request shall set forth the purpose for which such meeting shall be called.

Sec. 25. Advertisement for Bids. Immediately following the first meeting of the State Board of Text Book Commissioners, the State Superintendent of Public Instruction shall, in accordance with the instructions of the said Board, advertise for at least thirty (30) days in two (2) newspapers having a general circulation throughout the State, giving notice that the said State Board of Text Book Commissioners will meet as herein provided, and will consider said offers and proposals for supplying the schools of the State of Idaho with a uniform series of text books for use in all public schools of the State, excepting as hereinafter provided, in the following branches, to-wit:

Spelling,	
Arithmetic,	United States History,
Physiology and Hygiene,	Civil Government,
Reading,	Writing,
Geography,	Grammar,

and in other branches taught in common, graded and high schools of the State, as prescribed in the State Course of Study of the State of Idaho. Said proposals shall be in accordance with the form of proposal supplied by the State Board of Text Book Commissioners, and shall name the exchange price, net wholesale price f. o. b. cars at each publisher's address, and mailing price of single copies to districts or individuals; Provided: That the price so quoted on such books shall not exceed the lowest price quoted to any dealer, state, county, township, school district or any other individual or corporation in the United States.

Sec. 26. Adoption of Text Books; Independent School Districts. It shall be the duty of said State Board of Text Book Commissioners to meet at the time and the place mentioned, and to consider carefully all proposals made to them in regular form for the furnishing of the said text books as hereinbefore provided, and said Board shall select and adopt such text books for use in all the public schools as will, in their judgment, best subserve the interests and promote the progress of the public schools of the State. The series of text books so selected and adopted by the State Board of Text Book Commissioners shall be certified to by the chairman, and said certificate, with a copy of all books named therein, and the contracts for the same, shall be placed on file in the office of the State Superintendent of Public Instruction. Such certificate must contain a complete list of all books adopted by the said Board, giving the price for which each kind and grade of books will be furnished, and the name and address of the publisher agreeing to furnish the same. The said books named in said certificate shall, for a period of six (6) years from and after the first day of September, 1907, be used in all the public schools in the State, to the exclusion of all others as texts; Provided: That in Independent School Districts in the State of Idaho, if it shall appear to the Board of trustees of such Independent School District or Districts, that on account of special conditions existing in connection with the adopted course of study, or the special conditions of the school work or school environment, the adoption of one or more additional text books differing from the generally adopted list as provided elsewhere in this Article, shall be to the best interest of the educational work of such Independent School District, then said Board of Trustees of such Independent School District may, by presenting their claim, or by appearing in

person or through an officially chosen representative, before the State Board of Text Book Commissioners at a regularly called meeting, secure consideration of said claim for such special adoption, and may submit special information as may enable the State Board of Text Book Commissioners to reach a conclusion concerning the merits of said claim for special adoption; and the State Board of Text Book Commissioners is hereby authorized, if deemed advisable, to make such special adoption for such Independent School District or Districts; Provided, further: That in any and all such cases, the decision of the State Board of Text Book Commissioners as to such adoption shall be final, and that all text books adopted in accordance with such decision shall be used by such Independent School Districts for a period of six (6) years from and after the first day of September, 1907, to the exclusion of all other school books or texts. It shall be the duty of the Superintendent of Public Instruction to enforce the use of said text books in all public schools of the State, and to withhold twenty-five (25) per cent of the State school funds apportioned to any school district neglecting or refusing to introduce and use said books as hereinbefore provided.

Sec. 27. Contracts for Books; Bond of Publishers. The said Board of Text Book Commissioners shall have power to make such contracts and agreements with the publishers as they shall deem necessary for the best interests of the public schools of the State, and shall require all publishers, contracting and agreeing to furnish books adopted by said commissioners, to furnish a good and satisfactory bond in the amount of not less than Twenty-five Hundred Dollars (\$2500) as a guarantee of the faithful performance of the conditions of the said contract.

Sec. 28. Publishers to Furnish Lists of Books. It shall be the duty of book publishers furnishing books to the State of Idaho under this Article to have printed and to keep on hand at all times, free of charge, at the office of the County Superintendent of Public Instruction in each county of the State of Idaho, a sufficient number of lists of the text books, adopted by the said Board, with the price of each of the said books as certified to in said certificate; and each County Superintendent of Public Instruction shall immediately forward one (1) such list to each trustee and to each teacher in his or her county.

Sec. 29. Publishers to Keep Books on Hand. It shall be the duty of the book publishers furnishing books to the State of Idaho under this Article, to keep the books they agree to furnish on hand at all times at their places of business, and at such places in the State of Idaho as is hereinafter provided.

Sec. 30. Requisition for Books. Not later than the first Monday in August following the adoption, and at such times thereafter as may be necessary to supply properly the schools of said districts, the chairman of each of the Boards of Trustees of the schools of each county which supply free text books, shall forward to the County Superintendent of his county a list of the kinds of books, and the number of each kind, which shall be required to supply the pupils of the schools of his district. Immediately upon receipt of this requisition from the chairman of the Board of Trustees, the County Superintendent shall order, from the nearest depository furnishing said books, the books designated therein, and upon delivery of said books, to the said trustee, the trustee shall cause to be issued, in regular form, payable to the dealer who furnishes the books, a warrant

covering the value of said books as established by contract existing between said publishers and the State Board of Text Book Commissioners; Provided: That if, from any cause, the accounts are not paid within ninety (90) days, the same shall draw interest at the rate of seven (7) per cent per annum from the date of the shipment of the books to the date of the payment.

Sec. 31. Same: Account of Books Ordered. The clerk of each school district which supplies free text books, and the County Superintendent of Public Instruction, shall keep an account of all books ordered, showing the number of the district, the number of kinds of books, the date of the order, the place from whence ordered, the date and the amount of the remittance, and such other items as will, in their judgment, render the whole transaction easily understood.

Sec. 32. Custody and Distribution of Books. The Clerk of the Board of Trustees is hereby made the custodian of the text books belonging to the district, and he shall, on the morning of the opening of school or prior thereto, count out the number of the books belonging to the district, noting carefully the condition of said books, and placing the same in the hands of the teacher, taking a receipt for the same, and at the end of the term of school the said Clerk of the Board of Trustees shall receive the said books from the teacher, giving his receipt for them, and any missing or destroyed books shall be accounted for by the teacher; Provided: That the pupil shall be responsible, through his parent or guardian, to the district, if the responsibility is fixed upon said pupil; and Provided, further: That no one shall be responsible for the natural wear and tear of the books. In the interim of the sessions of the school the Clerk of the Board of trustees shall safely keep the books and use due diligence in their preservation.

Sec. 33. Reserve Supply of Books. It shall be the duty of the book publishers furnishing books to the State of Idaho under this Article to keep at all times on deposit at Boise, Pocatello, Lewiston, Coeur d'Alene, all in the State of Idaho, a sufficient number of the books they contract to furnish.

Sec. 34. Expenses of Commissioners. The members of the said State Board of Text Book Commissioners shall each receive his actual and necessary expenses, including railway fare, while in the discharge of his official duties, including the time actually and necessarily consumed in going to and returning from the meeting of the Board. Such claim for expenses shall be accompanied by vouchers, and upon being presented to the Board in duplicate with vouchers attached, and being passed by the same, the vouchers shall be signed by the Secretary of the Board, countersigned, by the chairman and transferred to the State Auditor. The State Auditor shall present such vouchers to the State Board of Examiners, who, upon finding the same to be correct, shall issue warrants upon the proper fund. Said fund is the "Idaho State Text Book Commission Fund," of One Thousand Dollars (\$1000), created and appropriated by the Act of March 14, 1907.

COMMENT.

Uniformity of text books is a great necessity both from the standpoint of expense and system. Pupils and teachers make frequent changes of residence yet all must use the same course

of study and by using the same text books, there is a great saving to the pupil and the teacher can more readily conform to a system.

The books adopted are usually the best on the market at the time of the adoption. The members of the board are chosen to represent every educational interest. The companies submitting books, supply the teachers throughout the state quite liberally with copies for examination. The Commissioners are able not only to judge for themselves but they have the advantage of the opinions of the best teachers in the state on the merits of the books from which selections are to be made. Some books lend themselves more readily to the development of a particular course of study than do others so they may be selected both because of their merit and because they are best adapted to the State course of study.

Sec. 23-34.

ARTICLE IV.

COUNTY SUPERINTENDENT

Section 35. Election, Residence and Term of Office. There shall be elected in each county in the State of Idaho, at the general election, a Superintendent of Public Instruction, who shall reside at the county seat of the county in which he is elected, and who shall hold his office for a term of two (2) years, from and after his taking charge of the same, and until his successor has been elected and qualified.

Sec. 36. Oath, Bond, and Qualifications. Before entering upon the duties of his office, the County Superintendent of Public Instruction shall take and subscribe the oath prescribed by law, and execute a bond, payable to the State of Idaho, with two (2) or more sureties to be approved by the Board of County Commissioners, in the penal sum of not less than Two thousand Dollars (\$2000) conditioned upon the faithful performance of his official duties, and the delivery of all moneys and property received by him as such superintendent to his successor in office, which official bond, together with his official oath, shall be filed in the office of the County Recorder, not later than the second Monday in January, next after election; Provided: That no person shall be eligible to the office of County Superintendent of Public Instruction unless he be a qualified elector in the county from which chosen, of the age of twenty-five (25) years, and a teacher in actual service of not less than two (2) years' experience in Idaho, one of which must have been while holding a valid certificate of a grade not lower than a first grade county certificate; Provided, further: That he shall be the holder of a valid certificate not lower than a first grade county certificate at the time of his election or appointment.

Sec. 37. Duties. (a). The County Superintendent of Public Instruction shall have charge and supervision of the public schools of

his county with the exception of the Class A Independent School Districts, and it shall be his duty to visit the other public schools in the county at least once during each school year and remain at said public school at least one-half ($\frac{1}{2}$) day; at such visits he shall carefully observe the methods employed by the teacher in giving instruction in the several branches taught, the manner of discipline and government, the classification of the pupils, and the general management of the school, and shall give the school such instruction and encouragement as he deems for the best interests of all concerned, and he shall make such suggestions to the teacher in private as, in his judgment, will render the said teacher more efficient, and promote the general educational interests of the district.

(b). He shall perform such other supervisory duties as shall be directed by the State Board of Education.

(c). It shall be his further duty to organize a meeting of the teachers of the schools under his supervision, for the purpose of exchanging ideas of professional interest, for the study of methods, and for general culture.

(d). The County Superintendent shall designate at least five (5) days in the month when he may be found in his office.

(e). The County Superintendent shall be empowered to employ such assistant or assistants as the work of his office may require, said assistant or assistants to receive such remuneration as may be fixed by the Board of County Commissioners, which remuneration shall be paid quarterly in the same manner as the salaries of county officers are paid. The County Superintendent shall keep his office open from nine (9) o'clock A. M. until five (5) o'clock P. M. each week day.

Sec. 38. Blanks and Supplies. The County Commissioners shall furnish the County Superintendent of Public Instruction with an office in the county seat, shall furnish him with all necessary office furniture, including seal, blank books, stationery, postage, expressage, all blanks necessary for his office, and all blank books and blanks necessary for the use of the trustees and teachers in the discharge of their respective official duties within his county; Provided: That the forms used for all such blank books and records shall be such as are prescribed by the State Board of Education.

Sec. 39. Buildings, Sanitation, and Equipment of School Property. He shall have power to require the trustees in any district to conform to the rules and regulations prescribed by the State Board of Education providing for the erection, equipment, sanitation and care of public school property; Provided: That there is a sufficient amount of money in the treasury to the credit of the district to put into effect the requirements of this Section.

Sec. 40. Records. He shall keep a complete record of all his official acts; preserve all blanks, maps, charts and apparatus sent him as such officer, and file all papers, reports and statements from teachers and school boards; keep a register of all teachers employed in his county, giving name of teacher, number of district, salary per month, grade of certificate, and date of superintendent's visit. He shall obey the legal instruction of the State Board of Education.

Sec. 41. Conduct of Teachers' Examinations; Permits. He shall hold four (4) regular examinations in each year as provided in Section 89, Article 10 of this Act for the purpose of examining all

persons who may offer themselves as teachers in the public schools. It shall be the duty of the County Superintendent to give at least fifteen (15) days' notice before all regular public examinations in some newspaper published in the county. He shall have authority to issue permits in accordance with the provisions of this Act.

Sec. 42. Expense of Conducting Examinations. The County Superintendents shall be allowed all necessary expenses incurred in holding examinations for teachers and eighth grade pupils, for blanks, books, stationery, pens, ink, and for assistance in grading eighth grade examination papers, such assistants not to exceed two (2) in number, who shall receive as compensation Four Dollars (\$4.00) per day, such expense to be paid out of the current expense fund of the county.

Sec. 43. Annual Report; Ascertainment of District Boundaries. (a). He shall, on or before the first day of October in each year, make and transmit an annual report to the State Superintendent for the fiscal year ending June 30, next preceding, which report shall contain an abstract of all reports made to him by the district clerks of the several districts of the county, together with such statistics, items and statements, relative to the schools of the county, as may be required and prescribed by the State Superintendent. Such reports shall be made upon and conform to the blanks furnished by the State Board of Education for that purpose.

(b). He shall require and ascertain whether the boundaries of the school districts in his county are definitely and plainly described in the records of the Clerk of the Board of County Commissioners, and keep in his office a full and correct transcript of such boundaries. In case the boundaries of districts are conflicting or incorrectly described, he shall report such fact to the Board of County Commissioners at their regular meeting in July, and such Board shall immediately take such steps as are necessary to change, harmonize, and clearly define them. The County Superintendent, if he deem it necessary for the guidance of school census marshals, may order the description of the district boundaries printed in pamphlet form, to be paid out of current expense fund of the county.

Sec. 44. Appointment of Trustees for New District. The County Superintendent shall appoint trustees for all newly organized school districts, who shall serve until the next regular election, and shall fill all vacancies that may occur in the Board of Trustees of a district by reason of death, resignation or otherwise, and such appointment shall hold until the next regular election.

Sec. 45. Failure to Report to State Superintendent; Penalty. If the County Superintendent fails to make a full and correct report to the State Superintendent of Public Instruction of all statements required by law to be made, he forfeits the sum of One Hundred Dollars (\$100) from any moneys due him from the county, and the Board of County Commissioners is hereby authorized and required to deduct therefrom the sum aforesaid upon information from the State Superintendent of Public Instruction, that such reports have not been made.

COMMENT.

COUNTY SUPERINTENDENT

As the State School Superintendent is at the head of the

public schools of the state, so the County School Superintendent is at the head of those of the county.

She conducts all examinations in the county both teachers and eighth grade, apportions quarterly to the school districts, the amount of money due them from the State and County; countersigns all orders for warrants for the teachers' salaries, aids in the settlement of boundaries for school districts, appoints trustees of newly organized districts, and whenever there is a vacancy in the board of trustees; also visits all the schools in her county, observes how the work is conducted and offers, in private, any suggestion which she thinks may aid the teacher in her work.

That this officer may be well qualified for her work, she is required to hold a first grade certificate and to have taught two years in Idaho.

She is required to maintain what are termed office days, at least five during each month, when she will be in her office from 9 A.M. to 5 P.M. Since the superintendent is necessarily away much of her time office days will aid greatly all those who desire to see her.

School officers are sometimes very careless about providing suitable out-houses or making needed repairs, under such circumstances the law allows her to have the out-houses built at the expense of the district, and if there is sufficient money belonging to the district she may also have the repairs made.

Differences will arise between patrons of the school, between teachers and pupils or patrons; questions of law in regard to levying of taxes, bonding of districts, course of study or adopted text books and it is the duty of this office to settle the differences and to enforce the law.

The County School Superintendent makes an annual report to the State Superintendent; this is an abstract of the reports made by the clerks of the various district schools in the county and shows the number, age, grade and sex of the pupils, the condition of the school building, furniture, library, etc., and the general condition of the schools, the penalty for failure to make this report is the forfeiture of one hundred dollars of her salary.

ARTICLE V.

SCHOOL DISTRICTS.

Section 46. Each regular organized school district in this State is hereby declared to be a body corporate by the name and style of "School District Number, in the County of State of Idaho;" and in that name the trustees may sue and be sued, hold and convey property for the use and benefit of such district, and make contracts the same as municipal corporations in this State.

Sec. 47. **New Districts and Changes in Boundaries.** (a). The Board of County Commissioners may, at any regular meeting of said Board, create new districts, or change the boundaries of existing districts, or attach to one or more districts, the territory of any district which shall have lapsed for any reason. All proceedings under this Section shall be commenced by petition which must be filed in the office of the County Superintendent at least twenty (20) days preceding the meeting of the Board of Commissioners, at which it is to be presented. All petitions, either for the formation of a new district or any other change of boundaries, shall set forth in general terms the proposed changes and shall be accompanied by, and refer to, a map showing all existing boundaries of districts affected and all proposed new boundaries which will be established by the granting of such petition.

(b). A petition for a new district shall be sufficient if signed by the parents or guardians of ten (10) or more children of school age who are residents of the proposed new district, and no further signers shall be required. In all other cases—excepting a proposed union of contiguous districts—proposing a change of boundaries of any district, the petition therefor must be signed by at least two-thirds (2-3) of those who are heads of families and residents of each of the districts whose boundaries will be affected by the change. No such change of boundaries or organization of a new district shall take effect until the opening of the next school year.

(c). Two or more districts lying contiguous may, upon petition of a majority of the heads of families residing in each of said districts, be united to constitute one (1) district. No district containing less than nine (9) square miles shall be divided either for the purpose of forming a new district or any other change of boundaries, except on approval of the County Superintendent of schools, and a unanimous vote of the Board of County Commissioners. No district shall be divided and territory taken therefrom either for the formation of a new district or for any other purpose if the remainder of the district will contain less than fifteen (15) persons of school age. No incorporated cities or towns shall hereafter be divided into two (2) or more districts.

(d). Whenever it shall appear that a pupil living in one district cannot attend school in his or her own district because of the distance of the school house, or for any other valid reason, such pupil may attend the school in any district in the county in which his or her own district is situated, upon making the proper application to the County Superintendent, which official shall be the judge of the necessity for making such change, and the district shall receive for such pupil's tuition from such pupil's district such an amount as said pupil would be accredited with in his or her own district.

Sec. 48. Notice of Proposed Changes. It shall be the duty of the County Superintendent, upon receipt of any petition as herein provided for, to give notice immediately to all parties interested, by sending notice by registered mail to each of the trustees of the district to be affected by such change or changes; and by causing printed notices to be posted in at least three (3) public places in the district so affected, one of which shall be on the door of the school house in said district, for at least one (1) week. Such notice must state the change or changes to be made in said district, that the said petition is on file in the office of the County Superintendent, and that the same will be presented to the Board of County Commissioners at its next regular meeting for final action. The Superintendent must transmit the said petition to the said Board with his approval or disapproval, and, if he approve the same, he may note such changes in the boundaries as in his judgment shall be for the best interests of all parties concerned.

Sec. 49. Action on Petition. The Board of County Commissioners shall act upon the same at its next regular meeting. If such petition be granted it may be in accordance with the original prayer or with such modifications as the Board may choose to make.

Sec. 50. Joint District; How Formed. A Joint School District may be formed from territory belonging to two (2) or more contiguous counties. For the purpose of organizing a joint district the same preliminary steps must be taken, and the same course pursued in the organization of other districts as provided in Sections 47 and 48 of this Act. Such districts shall be designated as "Joint District No. of the Counties of," and be so numbered that it shall have the same number in all the counties from which it was formed. The petition required by Section 47 shall be made to each County Superintendent interested; Provided: That the school census, the record of attendance at school, the assessing of property, the collection of taxes, and all acts which, from their nature, shall be separately kept, shall be kept and done, and the report thereof made as if each portion of said district were an entire district in the respective counties. The teacher of such joint district shall not be required to hold a certificate in both counties.

Sec. 51. Apportionment for New Districts. All new districts formed of unorganized territory shall be entitled to their just proportion of school moneys at the next apportionment, and the County Superintendent shall place the same to the credit of such district; Provided: That in no case shall such district be entitled to use the same unless school has commenced therein, and six (6) months shall not have elapsed since the date of its organization; Provided, further: If any new district is organized from any part of any other organized district or districts, as provided in this Chapter, the County Superintendent, after having ascertained the amount of moneys belonging to said old district or districts and deducting said indebtedness and liabilities, must apportion to said new district, exclusive of bonded indebtedness, its due per capita proportion of money or indebtedness, as the case may be, from said districts from which it may be formed. And, in case of joint districts, the County Superintendent must apportion to such district such proportion of the school money to which such district is entitled as the number of school children residing in that portion of the district situated in his county bears to the whole number of school census children in the whole district.

Sec. 52. Lapsed Districts. If any school district shall, for the

period of one (1) year, fail to maintain a school for at least four (4) school months, or keep up its organization of officers, as is required by law, or if there has been an average attendance for three (3) consecutive months of only five (5) pupils or less, such district shall lapse, and the money in the treasury of the county belonging thereto shall be apportioned by the County Superintendent among the other districts in the same manner as other moneys are apportioned. The property of any school district that shall lapse shall be sold by the County Superintendent in such manner as he shall deem best. The proceeds of such sale, after the payment of any indebtedness of said district, shall be placed to the credit of the general school fund. The territory included within the boundaries of the said school district shall, by order of the County Commissioners, be attached to one (1) or more school districts. The Board of Trustees shall have power, when the annual meeting shall neglect or refuse to levy a special tax to maintain the schools, to levy a special tax upon all the property in the district, which when added to moneys apportioned by the County Superintendent of Schools, will be sufficient to provide funds for the maintenance of the school as provided in Section 54 of this Act. The taxes so levied are and shall be a lien upon the property taxed, the same as other taxes, and shall be collected in the same manner.

INDEPENDENT SCHOOL DISTRICTS.

Section 122. **Organization of Districts.** Whenever any school district within this State, as defined by the board of county commissioners, has within its limits taxable property of the amount of One Hundred Fifty Thousand Dollars (\$150,000) or over, as shown by the last assessment roll for the county, it may be organized into an independent school district upon a vote of one-fifth (1-5) or over of those within the district who are qualified to vote at school elections, petitioning the said board for the establishing of such district as an independent school district; and if a greater number of qualified voters do not remonstrate against such establishment, the board must clearly, by its order of record, define the boundaries of such district, if not already done, and within one (1) month order that the question of so establishing such independent school district must be submitted to a vote of all the electors of the district, who, under the provisions of this Chapter, are authorized to vote for the levy of taxes and issue of bonds, and must make the necessary arrangements for such election, giving at least twenty (20) days' notice thereof, and the time and the place of holding the same. If a majority of those so voting vote in favor of so organizing such independent district, said board must make its order of record and declare such district established, and designate it as the "Independent School District (state name and number of district), inCounty, Idaho."

Sec. 123. **Corporate Powers.** The district so established is constituted a body corporate, and succeeds to the title of all property rights and privileges, and assumes and must discharge and pay all debts, obligations and duties belonging to or devolving upon the old district or districts of which it is so formed and established, and by its corporate name it may:

1. Make contracts, sue, and be sued.
2. Take, hold, and convey such real and personal property only as is needed for actual school purposes.

3. Have a corporate seal.
4. Choose such officers as are herein provided for.

Sec. 124. Board of Trustees. The officers of such district shall consist of a board of trustees, composed of six (6) qualified electors who are resident freeholders within the district. The first board of trustees must be appointed by the board of county commissioners immediately after the district is so established and shall hold their offices for terms as follows, to-wit: Two (2) until the next school election under the provisions hereof; two (2) for one (1) and two (2) for two (2) years after such election, and until their successors are elected and qualified. Said board so appointing must designate the term of each trustee so appointed.

Sec. 125. Election of Trustees. (a). There must be an election for two (2) members of the board of trustees, to be held on the first Tuesday of September following the establishment of such district, and annually thereafter an election must be held to elect two (2) trustees. The clerk of the board must give at least ten (10) days' notice of the time and the place of such election by publication in a newspaper, and by three (3) posted notices in the district, and at all elections under this Article, voters must have the same qualifications as prescribed for the general elections in this State. At such elections, any person offering to vote may be challenged and required to take all oaths required for voters at the general elections in this State, and on refusing to take such oaths must, not be allowed to vote. The board of trustees may appoint for all such elections two (2) judges and one (1) clerk. Voting must be by secret ballot, such ballots and list of votes to be kept for sixty (60) days by the secretary of said school board, and if, upon counting the ballots, there is a tie and three qualified persons have the highest and an equal number of votes, the board of trustees must select two (2) from the three (3), and when there is a failure to elect by reason of a tie vote, the board of trustees must select.

(b). If any trustee dies, removes from the district, or ceases to have the qualifications for such office, or for any cause his office is vacant, or he neglects or refuses to act, or without excuse ceases to attend the meetings of the board for four (4) successive regular meetings thereof, his office thereby becomes vacant and a majority of said board of trustees may appoint another qualified person to fill his unexpired term.

Sec. 126. Prohibition Against Contracts With Trustees. No trustees shall be interested directly or indirectly in any contract let, or made by or with the board, or with any officer thereof, or in any supplies furnished to or for said district, or a surety for the performance of any contract with said board or district, or the agent or partner of any contractor with said board or district; and no action can be maintained or recovery had against said board or district upon any contract or obligation in which any trustee is so interested, but the same is void.

Sec. 127. Qualification and Organization of Board. Each trustee shall before entering upon the duties of his office, take and subscribe official oath, which must be filed with the County School Superintendent. Immediately after the appointment of such trustees by the board of county commissioners, as above provided, and after each annual election, the trustees, or a majority thereof, shall meet at the school house and organize as a board, and from their number shall select a chairman, a clerk, and a treasurer, or they may elect as treasurer

some competent and responsible person who is not a trustee, and said treasurer shall be required to deposit the school moneys in such bank or banks as will pay the highest rate of interest on daily balances, dividing the money to two or more banks if the same offer the same rates of interest. Said trustees of independent school districts may provide pay or compensation for the clerk but no other school officer whatever shall receive any pay or compensation for his time or services or in any way be allowed to make any pecuniary profit or gain by reason of his office, and any school officer or person who has the custody in any way of any school funds shall give bonds, with at least two (2) good sureties in double the amount of funds likely at any time to be in his custody.

Sec. 128. Meetings of Board. Regular meetings of the board of trustees shall be held on the second Monday of each month, and special meetings may be called by the chairman of the board, or by any two (2) trustees, by personal notice of the time and the place of such meetings to each member of the board, or, if he cannot be found, by leaving such notice at his place of residence with some person of suitable age and discretion. Four (4) trustees constitute a quorum for the transaction of any business, but a less number may adjourn any regular meeting from time to time, until a quorum can be obtained, but no meeting of the board not provided for by the rules or by law is legal unless all the members thereof have been notified as provided for in this Section.

Sec. 129. Duties and Powers of Trustees. The board of trustees of said district shall have power, and it is their duty:

(a) Independent Districts (General). 1. To make such by-laws for their own government and for the government of the schools of the district as they may deem expedient, not inconsistent with the provisions of this Chapter;

2. To employ or discharge teachers, mechanics, and laborers, and to fix, allow, and order paid their salaries and compensation, and to determine the rate of tuition for non-resident pupils, and to withhold the salary of a teacher when the County Superintendent notifies the board that the teacher does not hold a valid certificate;

3. To levy a special tax, if necessary, which, added to money apportioned by the County Superintendent of Schools, will be sufficient to provide funds for the maintenance of the schools for nine (9) months in each year; the special taxes levied by said board of trustees for the payment of interest on bonds and sinking fund, for payment of bonds at maturity, together with the levy for the maintenance of schools, shall not exceed twenty (20) mills on the Dollar; Provided: That districts maintaining rural school routes may levy a tax in addition to the aforesaid twenty (20) mills sufficient to maintain the said rural school routes, said tax for school routes not to exceed ten (10) mills;

4. To provide furniture, fixtures, apparatus, library, and everything needed in the school house or for the use of the board;

5. To rent, repair, and insure school houses and property, and preserve the same for the benefit of the schools of the district;

6. To build or remove school houses and buildings and to purchase or sell school lots;

7. To expel pupils from school who refuse to obey the rules thereof, and to exclude from school children under six (6) years of age;

8. To determine the number and qualifications of teachers who shall be employed, to determine if school shall be maintained for more than nine (9) months, to fix the date of the beginning of the year, to determine the length of the school day, and to provide for the dismissal of primary pupils before the regular time of closing school;

9. To require pupils to be furnished with proper and suitable books and supplies as a condition of membership in the schools;

10. To exclude from the schools and school libraries of said district all books, papers and catechisms of a sectarian nature;

11. To require teachers to conform to the law of the State and regulations of the school board;

12. To protect the morals and health of the pupils while at school.

25 (b) **Independent School Districts (Class A).** When an independent school district shall employ ~~thirt-five~~ (35) or more teachers, it shall be known as an independent District of Class A, and shall have in addition to the board enumerated powers and duties, the following special powers and duties.

1. To adopt a course of study for their system of schools other than the State course if they so elect, and to prescribe the examinations, tests, and qualifications necessary for pupils to enter the various grades of the elementary school and of the high school.

2. To adopt text-books for their system of schools, and to make such contracts with the publishers as shall seem for the best interest of the district; Provided: That this section shall not operate to destroy any contract now in force, but shall operate in the selection of books for which the district is not now under contract, and shall operate in the selection of all books on and after September 1, 1913.

3. To employ a superintendent of schools for a term not to exceed three (3) years, who shall be the executive officer of the board, with such powers and duties as they may prescribe, together with such powers and duties as are now or may hereafter be prescribed by laws of the State, to fix, allow and order paid his salary, and to discharge said superintendent for incompetency, immorality, or gross neglect of duty.

Sec. 130. **Issuance of Funding Bonds.** The board of trustees of any independent school district, organized under any general or special law, may issue negotiable coupon bonds of their district for the purpose of paying, redeeming or refunding the principal of any of the outstanding bonded indebtedness of their district, whenever the same can be done to the profit or advantage of the district and without the district incurring any additional indebtedness or liability exceeding in any year the income or revenue provided for such year. Said bonds must bear interest at a rate not exceeding six (6) per centum per annum, payable semi-annually at the office of the treasurer of the district, or at such banking house in the City of New York as may be designated by the board of trustees; and the principal of said bonds, or any part thereof, may, at the option of the district, be paid at any time after ten (10) years, and must be paid within twenty (20) years from the time they are issued, and in the order in which they are issued and numbered. Semi-annual interest coupons covering the interest to become due must be attached to each bond; the bonds must be signed by the presiding officer of the board and attested by its secretary and the seal of the district, if it has a seal, and the coupons must be signed and the bonds registered by the treasurer of the board. No bond shall be sold at less than its

par value, and the proceeds thereof must be devoted to the payment, redemption, or refunding of the outstanding bonded indebtedness of the district.

Sec. 131. Original Bond Elections. The Board of Trustees of any Independent District may, whenever two-thirds (2-3) of the Board so decide, submit to the qualified electors of the State of Idaho, who are resident freeholders or householders of the district, at an election to be held for that purpose and to be called and conducted as other school elections in said district, the question whether the Board shall be authorized to issue the negotiable coupon bonds of the district in an amount to be mentioned in the notice of election, for the purpose of providing and improving schoolhouses and grounds and furniture, apparatus, and fixtures for said district, or for any or either of said purposes; and if at such election two-thirds (2-3) of the qualified electors of said district voting at said election assent thereto, the Board of Trustees may issue such bonds of the district to the amount and for the purpose designated in said notice, which bonds shall be in all respects similar to, and shall be signed, negotiated, registered, bear interest, and be made payable as the bonds provided for in the last preceding section; and no bond shall be sold for less than its par value; and the proceeds thereof must be devoted to the purposes mentioned in said notice.

Sec. 132. Tax Levy for Payment of Bonds. The Board of Trustees of any such district that has issued bonds under either of the last two preceding sections must annually levy upon all taxable property of the district, in addition to other authorized taxes, a tax sufficient to pay the interest on all bonds so issued as it falls due, and also to constitute a sinking fund for the payment of the principal thereof within twenty (20) years from the time the bonds are issued; which taxes shall be levied, assessed, collected and paid over in the district, and shall be devoted to the payment of the principal and the interest of said bonds only; and the accumulated sinking fund may be used for the redemption of said bonds at any time after ten years from the date of their issue.

Sec. 133. Application of School Law. All the provisions of this chapter providing for a public school system, wherein not contradictory to or inconsistent with the provisions of this article, and which may be made applicable to the objects thereof, are adopted as a part of the law governing the establishment and management of Independent School Districts. All the provisions of this Code applicable to Independent School Districts shall also apply to Special Independent School Districts.

RURAL HIGH SCHOOLS.

Section 134. Petition. That when the heads of a majority of the families residing in each of two or more regularly organized school districts in this State, not having within their limits an incorporated city, shall petition the board of county commissioners of their county to unite them into a rural high school district, for the purpose of maintaining a rural high school therein, the said board of county commissioners shall submit the question to a vote of the qualified electors of the districts so petitioning at a special election called for that purpose, within sixty days from the date of the receipt of such petition; Provided: That the proposed rural high school district shall not, except with the unanimous consent of the board of county com-

missioners, embrace a greater territory than that included within a six-mile radius from the proposed center of the district.

Sec. 135. Election. At the election provided for in Section 134 of this Act, each district shall vote separately in its own school house or other place within such district designated in the notice of election, and the vote in each district shall determine if the district shall become united with other districts, to form the aforesaid rural high school district. Three notices of election shall be posted in each district ten (10) days prior to the day of election, one of which notices shall be upon the door of the school house. The elections shall be conducted in all respects as provided by law for the election of school trustees, and the ballots shall have printed thereon "For Rural High School—Yes," and "For Rural High School—No"; Provided: That all elections in the several districts shall be upon the same day and between the same hours. The returns of said elections shall be certified by the local school board in each district to the chairman of the board of county commissioners.

Sec. 136. Trustees. (a). If, in the judgment of the county commissioners, a sufficient number of districts shall have signified by their majority vote a desire to form a rural high school district, the county commissioners shall form such rural high school district, designating it as "Rural High School District No. ofCounty, Idaho," and shall so certify to the Board of Trustees of the district at the time of their appointment, and within thirty (30) days of the election provided for in Section 134 of this article, shall appoint a board of five (5) trustees from among the resident free holders or heads of families of the said rural high school district, one until the next election under the provisions hereof, one for two (2) years, one for three (3) years, one for four (4) years, and one for five (5) years. On the first Tuesday in September of each year thereafter the qualified electors, voting at a central place in the rural high school district, shall elect one trustee for a term of five (5) years.

(b). The said board of trustees shall subscribe the official oath for school board members within ten (10) days of their appointment or election and shall file the same with the County Superintendent.

(c). Within ten (10) days after their election and appointment, the said board shall meet and organize as the Board of Trustees of such rural high school district, by electing one of their number president and by electing a clerk or secretary who may or may not be one of their number.

(d). Provided. That in rural high school districts organized prior to the passage of this Act, the chairman of the local boards forming such rural high school districts shall cease to act as a board of trustees for such district on and after the first Tuesday in September, 1911, and the commissioners shall appoint, after the manner and terms aforesaid in this article, a board to serve in their stead, and annually thereafter shall be held an election of one (1) trustee and procedure had as provided in this section.

Sec. 137. Meetings and Powers. The other regular meetings of the board of trustees shall be held on the Tuesday following the last Saturday in March, June, September, and December of each year. The board may however, hold special or adjourned meetings as they may from time to time determine.

The Board Shall Have Power:

- (a). To supervise and visit the school;
- (b). To admit all children of the district above the eighth grade, and to admit and provide rates of tuition for non-resident pupils, if they so elect;
- (c). To appoint legally qualified teachers, and to fix, allow, and order paid their salaries;
- (d). To fix wages, make general rules and regulations for the control of the school, suspend or expel pupils, fix the term of school, which shall not be more than ten (10) months nor less than seven (7) months in any one (1) year;;
- (e). To rent or to purchase and hold real estate for such district high school, build and furnish school houses, determine location of grounds and buildings, which shall be as near the center of the district as practicable, according to the sanitary conditions, and to receive and hold bequests and gifts for the benefit of the school, and to dispose of property belonging to the district, subject to the provisions hereinafter named;
- (f). To provide a course of study which shall be approved by the State Board of Education, which course shall not consist of more than four (4) years' work beyond the eighth grade of the common schools; such course of study shall include instruction in manual training, domestic science, nature study, and the elements of agriculture;
- (g). To estimate and vote the amount of tax necessary to support the school, at a meeting previous to September first in each year, and report the same to the Board of County Commissioners, which amount may include the cost of transportation of students, and the creation of a sinking fund for the payment of principal interest of bonds issued, if any, and shall be spread upon the tax roll the same as other district taxes, and in their discretion to issue warrants drawing legal interest for current expenses, the amount of which warrants shall not exceed fifty (50) per cent of the tax voted;
- (h). To call special elections or meetings of the district, if necessary, to vote the amount of money to be raised for the purchase of grounds and erection and equipment of buildings, and for such other purposes as may be necessary within the authority of the provisions of this Act, or of the general school laws.

Sec. 138. Duties. The duties of the officers of the board shall be the same as is prescribed by law for similar officers of other boards of school trustees, and in addition thereto, the clerk or the secretary shall certify to the County Superintendent, quarterly, the number of teachers that are regularly employed in said school.

Sec. 139. Bonds. A majority of the qualified electors of such rural high school district may vote bonds in any legal amount, the proceeds to be spent in purchasing, building, or equipping such high school and grounds. The election held for this purpose shall be conducted in all respects as provided by the laws of Idaho for similar purposes; Provided: That the bonds so voted and issued shall not run longer than twenty (20) years, nor draw a rate of interest higher than six (6) per cent per annum.

Sec. 140. Supervision. The high schools established under the provisions of this Act shall be under the supervision of the State Board of Education, and all questions of management, support, and

control arising under the provisions of this Act, and not expressly provided for herein, shall be subject to the provisions of the general laws of the State.

Sec. 141. **Segregation.** When two-thirds of those who are heads of families and residents of any regularly organized school district joined to a rural high school district shall present a petition to the board of county commissioners showing that it is to the best interests of the said regularly organized school district to be segregated from the rural high school to which said regularly organized district is joined, it shall be lawful for the said board, if they unanimously agree, to segregate said petitioning sub-district from said rural high school district. Any regularly organized school district so segregated shall forfeit its rights to any portion of the moneys of and to any claims upon the property of the said rural high school district; Provided: That the aforesaid petition shall be filed in the office of the County Superintendent fifteen (15) days prior to the quarterly meeting of the board of county commissioners

COMMENT.

REGULAR SCHOOL DISTRICT.

The regular district created by the board of county commissioners upon the petition of the parents or guardians of at least ten children of school age.

(Form of petition to the county commissioners).

PETITION FOR A NEW SCHOOL DISTRICT.

We, the undersigned residents of the territory described in this petition, being parents or guardian of children, respectfully petition the Honorable Board of County Commissioners, of County, Idaho, to create the following described territory into a school district. Sec. 47-(b).

Description:

• Signatures. Signatures.

Filed in the office of County School Superintendent.
..... 19.....

CONSOLIDATED DISTRICTS.

The consolidated district created by the county commissioners by uniting two or more districts upon the petitions of a majority of the heads of families residing in the districts. Sec. 47 (c).

PETITION TO FORM A CONSOLIDATED SCHOOL DISTRICT.

We, the undersigned heads of families of school district No. County, Idaho, respectfully petition the Honorable Board of County Commissioners of said county, to unite this district with districts No., for the purpose of forming a consolidated school district.

Signatures.

Signatures.

Filed in the office of County School Superintendent.
day of 19..

JOINT DISTRICT.

The joint district formed from the territory belonging to two or more counties and in the same manner as a regular district. Petition same as in regular school district. Sec. 50.

RURAL HIGH SCHOOL.

The rural high school district created by the county commissioners after the question has been submitted to the qualified electors of two or more districts and they have signified by majority vote that they desire to be united into such a district.

PETITION FOR A RURAL HIGH SCHOOL

We the undersigned heads of families of district No.
. County, Idaho, respectfully petition the Honorable Board of County Commissioners of said County to unite this district with districts for the purpose of forming a rural High School. Sec. 34.

Signatures.

Signatures.

Filed in the office of County School Superintendent, (but not passed upon by her, this the day of 191..

The School Laws of Idaho provide for the following different kind of School Districts:

REGULAR INDEPENDENT SCHOOL DISTRICT

The Independent school district, created by the county commissioners when the district has \$150,000 worth of taxable property and a majority of the electors have signified at an election that they desire to be created into an independent district.

PETITION FOR A REGULAR INDEPENDENT SCHOOL DISTRICT.

We, the undersigned electors of school district No. of County, Idaho, respectfully petition the Honorable Board of County Commissioners of said County to create this district into a Regular Independent School district.

Signatures.

Signatures.

Filed in the office of County School Superintendent, this the day of, 191..

(All petitions for districts must be filed in the office of the county superintendent twenty days prior to the meeting of the board of county commissioners).

INDEPENDENT SCHOOL DISTRICTS, CLASS A.

When an independent school district shall employ 35 or more teachers, it shall be known as an Independent District of Class A. In addition to the powers of a regular Independent School District, it is granted certain additional powers in regard to the framing of its course of study, adopting text books, employment of a Superintendent, etc.

BOISE, LEWISTON, AND EMMETT DISTRICTS

Boise, Lewiston, and Emmett were created during territorial days and each has some peculiarities in its laws, but all must conform for the most part to the regular school laws of the state.

THE ELECTION OF SCHOOL TRUSTEES.

The election of the Trustees in all of the districts other than the Independent, occurs the third Saturday in April, the Independent districts holding theirs the first Tuesday in September. (Boise, Lewiston, and Emmett, being exceptions).

NUMBER OF MONTHS SCHOOL REQUIRED ANNUALLY IN EACH OF THE DISTRICTS.

In districts with less than twenty pupils of school age there must be four months of school; six months in districts having between twenty and seventy-five pupils, while the rural high school and all other districts, having over ~~twenty-five~~ 37 pupils, must maintain at least a nine months session

CONSOLIDATION FOR THE PURPOSE OF ESTABLISHING RURAL HIGH SCHOOLS OR FOR ALL PURPOSES.

The first consolidated school dates back to 1869, but little was done until 20 years later. These schools are now a part of the educational system in thirty-two states, there being 1800 completely organized and 2,000 partially organized. There has been a larger number organized during the past five years than in the previous twenty-five. A still farther illustration of the growth of these schools may be seen in the expenditure in Massachusetts for the conveyance of pupils to schools. In 1889 the amount spent was \$22,000 while in 1908 it was \$292,000.

This movement is not confined to any state. It is a success in the mountainous states of Vermont and Idaho, or in the prairie states of Indiana and Kansas. Both the old and the new states are adopting it. The expenditure in Virginia for this work during the last four years has increased twelve fold while North Dakota shows a gain of 100 per cent during the last two years. It is estimated that of the 6,000,000 boys and girls in the United States who are in the rural schools, four million will receive their schooling and part of their vocational training in the consolidated schools. The percent of the school population attending high school in certain parts of Ohio, 1903-5, in the unconsolidated districts, was 2.2 while in the consolidated it was 12.4 per cent.

The necessity for this educational movement is very apparent from the reports of state school superintendents. Kansas has 1629 school districts with an average attendance of less than 10; New Hampshire has 117 with 6 pupils and less, and 383 schools with 12 pupils and less; Maine has 206 with 8 pupils and less; Minnesota has 335 with 10 pupils and less; Michigan has 1500 with 10 pupils and less; Nebraska has 1200 with 10 pupils and less. There is no data from the Pacific coast states, but they would doubtless show a larger per cent. still, of poorly attended rural schools.

Such a condition means poor schools, high cost per capita for maintenance, as well as low educational sentiment in a community where they exist. Not only this, but there is an enormous waste by such a system. The average attendance in the rural schools in the United States is only 60 per cent. of the

enrollment, in some states running down as low as 43 per cent. In other words, little more than half of the children of school age are taking advantage of the opportunities offered them while statistics show that in consolidated districts this number is increased by 25 per cent in the grades and over 100 per cent in the high schools.

Ada, Canyon and Twin Falls counties have adopted consolidation quite generally, one-half of the schools of Canyon county being of this kind and there are several rural high schools in the state—two being in Nez Perce county.

The advantages gained for consolidation of rural schools are as follows:

Large administrative unit, which aids in all sorts of financial undertakings; gives stable school population; permanent grounds with an incentive for the improvement of grounds, furnishings, sanitation, etc.; large numbers of children admit of grading the school; longer terms which mean trained teachers, there being one instead of four or five schools; the library and apparatus are correspondingly larger; one large well equipped building instead of many poorly adapted to the work in hand; the introduction of subjects like manual training, music, domestic science, agricultural, business courses, etc., now found only in city schools; sufficient number of pupils to make possible all kinds of student activities as foot-ball, basket ball, literary societies, joint debates, etc.; school building with its assembly hall furnishing a place for all kinds of community organizations as reading circles, grange meetings, agricultural clubs, and other social gatherings. Since the pupils must come far, better roads are prepared for conveying the children to school; more regular and punctual attendance; obviates the necessity of family maintaining two residences, one on the farm, the other in town; keeps the children at home and in sympathy with farm life; prevents the separation of families at an age when the child most needs the parents' assistance; solves to some extent the question of compulsory education; brightens and broadens country life by making the school a greater educational and social factor in the community; decreases the present per capita cost of education and increases the efficiency of the school; provides means for vocational training; brings the ad-

vantages of secondary education to the boy and girl who live on the farm; by establishing grade and high schools in the country the rural schools become more nearly a part of the educational system of the state; larger average attendance in the grades and the number in the high school multiplied many times. These schools reach educationally not only the children but through the libraries, lecture courses, etc., the adults as well. Provide means for the proper study of agriculture in rural communities; greater saving in the number of teachers, economizes in the school life of the child as at present he receives only five or six months schooling during the year while in a consolidated school he will receive nine. Save times for the teacher in the rural school, where he has from twenty-five to forty classes daily, while in the consolidated school he has only ten or fifteen. Makes the teacher's work more efficient. Longer terms and graded work insure a larger number of professionally trained teachers.

Without doubt consolidation is the best method thus far offered for the solution of the rural school question, but there are several problems yet to be worked out in the changing from the old district plan in vogue for so many generations, to the new plan.

ARTICLE VI.

DISTRICT TRUSTEES.

Section 53. Constitution of Board of Trustees. The Board of Trustees of each school district consists of three (3) members, one (1) of whom shall be elected at each regular school election for the term of three years, so that but one (1) trustee shall retire in any year. Each trustee shall, before entering upon the duties of his office, take and subscribe the official oath, which must be filed in the office of the County Superintendent. Immediately after their election and qualification, they must elect from their number a chairman and a clerk.

Sec. 54. Annual School Meeting. (a). The annual school meeting for the transaction of the school district business in districts other than Independent School Districts shall be held on the third Monday in April. The Clerk of the Board of Trustees shall cause notices to be posted, using blanks provided by the County Superintendent for that purpose, specifying the time and place of such meeting and what business shall be transacted at said meeting. Said notice shall be published for two (2) issues in a newspaper published nearest the place of holding said election, and posted in three (3) public places in the district, one (1) of which shall be the school house, if there be one, at least (10) days previous to the time of the meeting. If

the Clerk fails to give such notice, then any two (2) legal voters residing in the district may give such notice over their own names, and such annual meeting may be held after the day fixed in this Section for such annual meeting.

(b). All elections of trustees shall be by ballot; the polls shall be opened by one of the Board of Trustees, or by any qualified elector if no trustee be present, at the time specified in the notice. If no time is specified in the notice, then the polls shall be opened at one (1) o'clock P. M. and closed at five (5) o'clock P. M. of the same day. Said election shall be conducted as any other county election, except that one (1) judge and one (1) clerk may constitute the Board of Election, and any trustee or qualified elector may administer the oath to said judge and clerk. At all elections under this Article, voters must have the same qualifications as prescribed for the general elections in this State. Said judge and clerk shall make immediate return of such election to the County Superintendent, which the County Superintendent shall file in his office.

(c). Said annual meeting shall determine if a special tax shall be levied, and the rate of the levy, which shall not exceed fifteen (15) mills on each dollar of taxable property. Said special tax shall be for building or repairing school property, for school equipment or for the support of the schools. Having determined the rate to be levied, the meeting shall proceed to ballot, on which ballot shall be written or printed, "Tax, Yes." "Tax, No," and none but actual resident freeholder or heads of families of said district shall vote at the election to determine the special tax. A separate ballot box shall be used for voting on any question of taxation or other business concerning schools and school interests from that used in voting for trustees. If a majority of the votes polled at such election are in favor of the tax, the Board of Trustees shall immediately make such levy and certify the fact, the date thereof, and the rate of tax levied, the year for which levied, and the number of the district, to the Clerk of the Board of County Commissioners and the County Assessor, but not more than one such special tax can be levied in any one (1) year.

(d). Said annual meeting shall determine the length of time a school shall be taught in the district for the ensuing year, which shall not be less than ~~four~~-(4) months, by a legally qualified teacher in a district having less than twenty (20) pupils of school age, nor less than six (6) months in districts having between twenty (20) and seventy-five (75) pupils, inclusive, nor less than nine (9) months in districts having more than seventy-five (75) pupils. They may also determine and instruct the district trustees as to the length of the different terms of school, and the seasons of the year in which the same shall be taught; and the district officers shall see that school is actually taught therein by a licensed teachers in conformity to such instructions and for not less than the length of time herein required. No school shall receive any of the State funds unless school shall have been actually taught therein for the time required by the Act; Provided: That in case of quarantine or loss of school house, such closing of school shall not prevent district from drawing its proper share of the State apportionment.

(e). Said annual meeting shall transact all business required by the notice of the meeting, and it shall be lawful to transact any other business pertaining to schools and school interests.

Sec. 55. Trustees Shall Qualify. Trustees shall qualify within fifteen (15) days after receiving notice of their election by taking the

official oath, which oath may be administered by either of the other trustees or a retiring trustee and such oath shall be subscribed and filed in the office of the County Superintendent

Sec. 56. Assessment and Collection of Tax. Upon receiving the statement from the trustees of any school district showing special tax levied the assessor must assess upon all property in the district subject to taxation the tax so levied and certified to him as aforesaid; but for that purpose he is not required to take new statements from the owners of property but his assessment of all special taxes so levied may be computed and made upon the valuation of property as fixed by the Board of Equalization for State and county purposes, and as appears upon the assessment roll in the same year; said special taxes so levied as aforesaid shall become a lien upon the property so assessed from the date of assessment, and shall be due and payable at the same time as State and county taxes, and in all respects are to be collected in the same way, except that the assessor must keep a separate list or assessment roll thereof, and, when paid, must be named in his receipt to the taxpayer as a separate item, and he must pay them to the County Treasurer as he pays other taxes; but, at the time of payment, he must specify to the Treasurer what taxes they are, and take a separate receipt therefor and keep separate accounts thereof. The Board of County Commissioners shall furnish the assessor with such blanks as are needed to comply with the provisions hereof. The provisions of this and the preceding sections for the levy and collection of taxes shall not apply to Independent Districts so established, which have special laws for the collection of school taxes.

Sec. 57. Regular Meetings of the Board. The regular meetings of the Board of Trustees shall be held on the last Monday of March, June, September and December. The Board may, however, hold other special or adjourned meetings, as they may from time to time determine. Any two of such trustees shall constitute a quorum for the transaction of business

Sec. 58. General Duties of Trustees. It shall be the duty of the trustees of each district: (a). To employ teachers on written contract, but before such contract can be legally signed it shall be the duty of the teacher to exhibit his or her certificate or permit to teach to the Board of Trustees, and it shall be the duty of the trustees to file a copy of such contract or permit with the County Superintendent.

(b). To fix, allow and order paid the salaries and compensation of such teachers.

(c). To fix the compensation of the Clerk of the Board.

(d). And to determine the rate of tuition of non-resident pupils; Provided: That any pupil or pupils of the eighth grade who are of high school qualifications of any district, shall be eligible to attend any high school within his county without paying tuition, but the County Superintendent shall transfer from the district to which said pupil or pupils belong to the district holding the high school attended, a sum of money bearing the same proportion to the amount of money received by the district during the year, as said pupil or pupils bear to the total school census of the district in which such pupil or pupils belong.

(e). The trustees shall have power to discharge any teacher for neglect of duty, or for any cause that, in their opinion, renders the

services of such teacher unprofitable to the district; but no teacher shall be discharged before the end of his or her term without a reasonable hearing.

(f). The trustees shall not contract to compel teachers to make up time while attending any annual county or joint institute, or while attending a meeting of the State Teachers' Association.

(g). The trustees shall have charge of all school property in their district and shall have power to receive in trust all real estate or other property conveyed to said school district; and to convey by deed, duly executed and delivered, all the estate or interest of their district in any school house or site directed to be sold by vote of their district. All conveyances made to said Board must be made in their corporate name, to-wit: "To Trustees of School District No. County, State of Idaho." Said trustees have further power, when directed by a vote of their district, to build or remove school houses, to purchase, receive, hold and convey real and personal property for school purposes, and to hold, purchase and repair school houses and to supply the same with necessary furniture and to fix the location of school houses subject to the rules and regulations of the State Board of Education; Provided: That all such repairs and construction work shall be submitted to competitive sealed bids when such work required shall exceed the sum of One Hundred Dollars (\$100); Provided, further: That a school house already built shall not be removed, nor a new site for a school house be designated, except when directed by a two-thirds (2-3) vote of the electors of said district voting at an election held for that purpose, which election may be a special or a general school election; Provided: That no trustees shall be pecuniarily interested directly or indirectly in any contract made by the Board of Trustees, of which he is a member, and any contract made in violation of this section is null and void.

(h). The trustees of the respective districts must furnish all things, not herein provided for, necessary for the comfort and the use of their district, such as janitor service, fuel, improvements, maps, and apparatus, library; and for all such purposes may audit and allow accounts against the school fund of their district, not to exceed twenty-five (25) per cent of the amount of such school fund in any one (1) year.

(i). At least three (3) per cent of the moneys annually appropriated to any district other than an Independent District shall be applied by the trustees for the maintenance of a school library, selections of books for which shall be made from a list of books furnished to each district and compiled by the State Board of Education. The Board of Trustees shall keep the library in a suitable case at the school house; shall keep a list of all books in the library; loan the books to pupils and patrons within the district for a period not to exceed four (4) weeks at any one time; hold patrons, parents or guardians to strict accountability for books loaned, requiring them to replace the same in the event of loss, or damage; report to the County Superintendent the number of books purchased during the year, the number of books lost and other information required by the County Superintendent, and for the further good of the library shall make all needed rules and regulations.

(j). It shall be the duty of the Clerk of the Board of Trustees of each district to keep a record of the transactions of his district in a book furnished by the County Superintendent, the form of which shall be prescribed by the State Board of Education; said record,

so kept, shall show all the data and the information required in said books to be shown by the forms thereof and shall be open to the inspection of the County Superintendent when visiting the district; and the trustees of each district shall make a full report in writing annually, on the first day of July, to the County Superintendent of their county, on blanks furnished, which shall be exact copies of the pages of the book herein required to be kept, together with such matters pertaining to schools as may be required of them by the State Superintendent.

It is the duty of the trustees of the respective districts, on receiving a report from any teacher of the disorderly conduct of any pupil, to decide how said insubordinate pupil shall be punished, or whether he or she shall be dismissed from school, and the teacher must enforce the decision so made.

(k). The Clerk of the Board of Trustees shall, on the first Tuesday of September of each year, proceed to enumerate the children of school age in his district, employing assistant enumerators if necessary, and he shall not enumerate any except bona fide residents thereof, and the Board of Trustees shall cause a true and certified copy of said census to be transmitted to the County Superintendent. School age, as herein used, is defined as applying to all persons between the ages of six (6) and twenty-one (21) years, said census to be completed and filed by the third Tuesday in September. For said services, said clerk shall be allowed, as full compensation therefor, Five Cents (5c) for each child so enumerated, and the chairman of the Board of Trustees shall draw his order upon the county auditor, which must be countersigned by at least one other member of the Board of said district, for the amount so allowed, and it must be charged against and paid out of the fund of said district.

Sec. 60. Attendance of Non-Resident Pupils. Trustees may determine whether pupils outside of their counties may attend school within their districts and upon what terms.

Sec. 61. Report of Trustees. It is the duty of the Board of School Trustees to make a report in writing, on the first day of July, of the financial condition of their respective school districts, showing the amount of money received, from what source, the amount expended, and in what manner and for what purpose expended, and the amount of money in the treasury of the district or to the credit of the district on hand at the date of the report, the said report to show in full the financial condition of the district at the date thereof; Provided: That the report of any expenditure shall contain the specific items, amounts, and names to whom such expenditures were made. It is hereby made the duty of the Board of School Trustees of each district to cause the said report to be published in a newspaper published nearest the school house of said district and posted in three (3) conspicuous places in the district, and to retain a copy of the said report in the office of the Clerk of the School Board of said district, where the same may be at all times open to examination and inspection by any person.

Sec. 62. Trustees' Meetings. That the Board of Trustees of every common school district and the Board of Education of every Independent School District are authorized to select one (1) of their members to attend any meeting called by the County Superintendent for the purpose of general instruction, and are authorized to defray the expenses of such member, in an amount not to exceed the sum

of Three Dollars (\$3.00) per diem and Three Cents (3c) per mile going to and from such meeting, such expense to be paid for from the general fund of the district; Provided: That such allowance shall not be for more than two (2) days in any one (1) year.

COMMENT.

Idaho has \$89,440.20 invested in school libraries; \$147,137.30 in school books; \$130,591.81 in apparatus; \$204,156.64 in sinking fund for paying bonds, \$281,152.46 in school furniture \$3,583,201.27 in school houses and sites or a total \$4,435,679.68 for all purposes.

The trustees of this vast amount of money as well as the educational guardians of 94,393 children of school age are the men and women who serve the school districts in an official capacity.

Their Induction into Office—The first trustees of a regular district are appointed by the County School Superintendent while those of the Independent district are appointed by the County Commissioners, afterwards the trustees are elected in the regular districts on the third Monday in April and in the Independent district on the first Tuesday in September.

Qualifying—Before entering upon the duties of the office, the trustee takes the official oath which is filed with the County School Superintendent. (Sec. 55 and 127).

Vacancy—The County School Superintendent fills vacancies in the regular districts while in the Independent it is filled by the trustees themselves. (Sec. 44, 125).

Their relations to the Teacher—They demand a certificate of the teacher before entering into a contract; supply her with register, blank reports, list of children of school age, give her an order for a warrant for her salary, allow her time when attending institutes, help her in discipline and for good cause may discharge her. (Sec. 58, 85, 86, 87).

To the Pupil—Require the clerk, on the first Tuesday in September to take a census of all children of school age; prescribes the conditions of non-resident pupils attending his school; supply indigent children with text books; report to the County Superintendent all cases of delinquency in his district. (Sec. 30, 31, 60, 123, 165).

To the County School Superintendent—File with her the official oath of each trustee; make full written reports to her on the first day of July, on blanks furnished, also a copy of the clerk's report of the census taken in September; attend trustees meetings called by the County Superintendent, report to her the results of all elections; file in her office a copy of the contract made with the teacher. (Sec. 58, 133, 137, 138).

To the Patron—When authorized by the district, to erect and furnish school buildings; provide janitor, fuel, flag and flag staff, library and all other things necessary for the school; give notice of sale of bonds and of all kinds of elections; levy special tax when voted and provide a sinking fund to pay bonded indebtedness; order all books where furnished by the district and act as custodian of the school building and all other school property; exclude from school all pupils afflicted with a contagious disease, decide the punishment for disorderly conduct; attend the trustees meetings, keep a record of them, make an annual financial report; may have no pecuniary interest in any contract made by them, pay the clerk for his services, provide a sinking fund for the payment of bonds when due, issue deficiency warrants for the payment of teacher's salaries, invest surplus money. Give notice of the sale of bonds and pay to the county treasurer all money received from time to time and make annual report to the patrons of the district, draw orders for warrants for the payment of all legal bills against the district.

(Sec. 54, 62, 71, 76, 78, 84, 129, 131, 132, 137, 138).

ARTICLE VII.

SCHOOL FUNDS AND FINANCES.

Section 63. **Public School Fund.** The public school fund of the State shall consist of the proceeds of such lands as have hitherto been granted, or may hereafter be granted, to the State by the general government known as "school lands" and those granted in lieu of such lands acquired by gift or grant from any person or corporation under any law or grant, and of all other grants of land or money made to the State for general educational purposes, and all moneys accruing to the State from the estates of deceased persons.

Sec. 64. **Additional School Lands.** All lands, title to which is acquired by the State by foreclosure or otherwise, on loans or school funds and all lands which escheat to the State by virtue of Section

5717 of the Idaho Codes of 1909 or otherwise, shall be held and treated as school lands, and may be sold and disposed of in the same manner. Said lands shall be under the charge and control of the State Land Board.

Sec. 65. County School Taxes. For the purpose of establishing and maintaining public schools in the several counties of the State, the Board of County Commissioners of each county shall, at the time of levying the taxes for state and county purposes, levy a tax of not less than five (5) mills nor more than ten (10) mills on each dollar of taxable property, in their respective counties, for school purposes. Said taxes must be assessed and collected in each county as other taxes for state and county purposes. For the further support of the public schools, there shall be set apart by the County Treasurer of each county and placed in the county school fund all moneys arising from fines, forfeitures or breaches of any of the public penal laws of the State.

Special Tax. See Sec. 54, 56, 128. (3).

SCHOOL DISTRICT BONDS

Section 76. Calling Bond Elections. The Board of School Trustees of any school district may, whenever a majority so decides, submit to the qualified voters of the State of Idaho who are resident free holders or householders of the district, and their wives who are qualified electors the question whether the Board shall be authorized to issue coupon bonds to a certain amount, not to exceed ~~twelve (12)~~ ^{four} per cent of the taxable property in said district, and bearing a rate of interest not exceeding six (6) per cent per annum, and payable and redeemable at a certain time, for the purpose of building or providing one or more school houses in said district, with all necessary furniture, desks, blackboards, globes, charts, outline maps, etc. And the Board of School Trustees of any School District, which has issued bonds for any of the purposes enumerated in this Section, may submit to the electors of such district the question whether the Board shall be authorized to issue coupon bonds to refund or take up any of the bonded indebtedness of such district, at a rate of interest not exceeding six (6) per cent per annum.

Sec. 77. Election; Issuance and Registration of Bonds. Such elections must be held in the manner prescribed for elections in this Chapter. The ballots must contain the words "Bonds, Yes" or "Bonds, No." If two-thirds of the votes cast at such elections are "Bonds, Yes," the Board of Trustees must issue such bonds in such form as said Board may direct; they must bear the signature of the chairman of the Board of Trustees, and be countersigned by the Clerk of the School District, and the coupons attached to the bonds must be signed by said chairman and said Clerk; and each bond so issued must be registered by the County Treasurer in a book provided for that purpose, which must show the number and amount of each bond and the person to whom the same is issued, and the said bonds must be sold by the said School Trustees as hereinafter provided.

Sec. 78. Sale of Bonds. The School Trustees must give notice in some newspaper published in the State, for a period of not less than four (4) weeks, to the effect that said School Trustees will sell said bonds, briefly describing the same, and stating the time when, and the place where said sale will take place; Provided: That the said bonds must not be sold for less than their par value,, and

the Trustees are authorized to reject any bids and to sell said bonds at private sale if they deem it for the best interest of the district, and all moneys arising from the sale of said bonds must be paid forthwith into the treasury of the county in which said District may be located, to the credit of said District, and the same are immediately available for any of the purposes authorized by this Chapter.

Sec. 79. Liability of School District. The faith of each School District is solemnly pledged for the payment of the interest and the redemption of the principal of all bonds, which are issued under this Article. And for the purpose of enforcing the provisions of this Article, each School District is a body corporate, and may sue and be sued by or in the name of the Board of School Trustees of said District.

Sec. 80. Tax Levy to Pay Bonds; Investment of Sinking Fund. The School Trustees of each District must ascertain and levy annually the tax necessary to pay interest as it becomes due and to create a sinking fund to redeem the bonds at their maturity, and said tax is a lien upon the property of said School District, and must be collected in the same manner as other taxes for school purposes; Provided: That the said sinking fund may, at the discretion of the Board, be loaned on first mortgage or improved farm lands, but no loan shall exceed one-third (1-3) of the market value of the land, exclusive of the improvements thereon, given as security for such loans. The annual interest on all loans herein provided for shall be seven (7) per cent. Said sinking fund may be invested in United States bonds, State bonds, county bonds, county or State warrants, when the market value thereof is not below par, at the discretion of said Board.

Sec. 81. Redemption of Bonds. When the sum in the sinking fund equals or exceeds the amount of any bond then due, the County Treasurer shall post in his office a notice that he will, within thirty (30) days from the date of such notice, redeem the bonds then payable, giving the number thereof, and the preference must be given to the oldest issue; and if, at the expiration of the said thirty (30) days, the holder or holders of said bonds shall fail or neglect to present the same for payment, interest thereon must cease; but the Treasurer shall, at all times thereafter, be ready to redeem the same on presentation, and when any bonds are so purchased or redeemed, the County Treasurer must cancel the same by writing across the face of each bond, in red ink, the word "Redeemed," and date of such redemption.

Sec. 82. Payment of Interest on Bonds. The County Treasurer must pay out of any moneys belonging to a school district, the interest upon any bonds issued under this Article by such school district when the same becomes due, upon the presentation at his office of the proper coupon, which must show the amount due and the number of the bond to which it belonged; and all coupons so paid must be reported to the school trustees at the first meeting thereafter.

Sec. 83. Bonds to Be Printed. The School Trustees of any district must cause to be printed or lithographed, at the lowest rates, suitable bonds, with the coupons attached, when the same becomes necessary, and pay therefor out of any moneys in the County Treasury to the credit of the School District.

Sec. 84. Neglect to Pay Over Money a Felony. If any of the

School Trustees, other than Independent School District Trustees having their own treasurer, fraudulently fail or refuse to pay into the County Treasury the money arising from the sale of any bonds provided for by this Article, they are guilty of a felony.

COMMENT.

Lands—When Idaho became a State, the general Government set apart the sixteenth and thirty-sixth sections for public school purposes. This land may be sold or leased, if sold, the money is loaned and only the interest issued. At present the amount of money bearing interest is \$2,408,569.10. The lands leased bring an amount of one-tenth of its appraised value.

Sometimes a person dies without any known heirs. In such cases, the land reverts to the State for educational purposes. Again, the State Land Board may loan money on land and take a mortgage which may be foreclosed, and, in this case the State may come into possession of land.

Taxes—The County Commissioner fixes the exact rate of taxation, they being limited only in the maximum and minimum rate, which is fixed by law. These rates are five and ten mills on the dollar.

Forfeitures.—A prisoner sometimes gives a bond to appear at a certain time and place to stand trial, but fails to appear. In such cases, his bond is forfeited and his bondsmen pay the amount; or an officer gives bond for the faithful performance of his duties, but fails and his forfeited bond goes into the school fund.

Fines—The penalty assessed for the violation of laws, may be a fine and goes into the general school fund.

Forest Reserves.—A certain income is derived from the sale of timber and the rental of lands on forest reserves for grazing purposes. This money goes into the school fund.

Licenses. There are two kinds of saloon licenses; the tavern or precinct license, ranging up to \$300 per year, and the license charged in the village, town or city which is \$750, half of this goes into the school fund of the district where the school is located.

Sale of Property of Lapsed Districts—When for any reason a district lapses, its property is sold and the proceeds goes into the general school fund.

Sale Estray Stock—All money accruing in this manner goes into the school fund of the district where the stock is sold.

Special Tax.—In a regular district, Clause "D" of section 53, prescribes the minimum number of months of school that must be taught in each district. If the electors of the district desire a longer term they shall determine at the regular school meeting on the third Monday in April, the number of months to be taught in addition and they vote a special tax sufficient to maintain school for that length of time. No one but actual residents, free holders and householders, together with their wives may vote at this election. A majority of those voting is all that is necessary to carry the election. The maximum rate is fifteen mills and not more than one such election may be held in one year. The tax is levied and collected in the usual way but may not be used for any other purpose than that for which it was levied. (Sec. 53).

Independent District.—The trustees have power to levy a special tax necessary to maintain the school nine months annually; to pay the interest on bonds and provide a sinking fund for their payment when due but the amount shall not exceed twenty mills.. (Sec. 129).

BONDING A DISTRICT

Regular District.—When a majority of the trustees so decide they may submit to the resident freeholders and householders, together with their wives, the question of bonding their district for the purpose of repairing, erecting or furnishing a school building or for refunding their bonded indebtedness but the district may not be bonded for more than twelve per cent. of its taxable property and the bond must be sold at par and may not bear more than six per cent interest.

The bonds may not be sold until the trustees have given notice in some newspaper published in the State, for a period of not less than four weeks describing the bonds, and stating the time and place where their sale is to take place.

Sinking Fund.—When a district has been bonded the trustees must annually levy a tax sufficient to pay the interest and provide a sinking fund for the payment of the principal when due. The exact amount to be provided each year depends upon the agreement entered into with the purchaser of the bonds. (Sec. 76-79).

Independent District.—These districts are bonded in the same manner and for the same purposes and on the same conditions as the regular districts. (Sec. 130, 132). Except, that the Board of Trustees themselves have power to issue coupon bonds for the purpose of redeeming or refunding the principal of any outstanding bonded indebtedness.

ARTICLE VIII.

APPORTIONMENT OF SCHOOL FUNDS.

Sec. 66. By State School Superintendent. The income of the State School Fund and taxes collected by the State for the support of the public schools which shall be received up to the first day of January and the first day of July of each year, shall be distributed semi-annually during said months respectively in each year among the several counties of the State from which reports have been received by the State Superintendent of Public Instruction, as provided in this Chapter, in proportion to the number of children of school age, as shown by the last school census list of each county, and the Superintendent of Public Instruction shall certify such apportionment to the State Auditor, and, upon such certificate, the Auditor shall draw his warrant in favor of the county treasurer of each county, for the amount due such county. The Superintendent shall also certify to the treasurer and the superintendent of each county the amount apportioned to each county.

Sec. 67. By County Superintendent. The County Superintendent shall require from the county treasurer, quarterly each year, a report of the amount of money on hand to the credit of the school fund of each county, not already apportioned, and the County Treasurer shall furnish such report when required. The County Superintendent, upon receiving such report, shall proceed to apportion the public school moneys, both county and State, reported by the County Treasurer to be in the County Treasury, among the several school districts in the following manner, to-wit:

Two-thirds (2-3) of the whole amount he shall apportion per capita among the several districts in proportion to the number of children in each district as shown by the last report of the census marshal of each district; Provided: That no district shall be considered as having less than twenty (20) census pupils. Five (5) per cent of the remaining one-third (1-3), or such of the same as may be needed, he shall apportion among the rural high school districts and districts organized under the consolidated plan which carry high school work, in proportion to the number of teachers

regularly employed in such high schools. The amount apportioned to any high school shall not exceed the sum of Three Hundred Dollars (\$300) in any school year for each teacher so employed in such high schools. Fifty (50) per cent of the remainder, or so much thereof as may be needed, shall be used for the relief of all districts organized under Article V of this Act which are unable to maintain the minimum term as provided in Article VI, Section 54 of this Act, when such districts, after having levied a special tax of ten (10) mills, have not sufficient funds to maintain the minimum term. The County Superintendent shall be the judge as to the needs of such districts. The balance of the whole amount remaining after such aid has been given shall be apportioned per capita among the several districts in proportion to the number of children in each district as shown by the last report of the census marshal of each district; Provided, That no district shall share in any of the distribution of public funds, as provided in this Section, unless said district shall comply with the provisions of this Act. Immediately after such apportionment, the County Superintendent shall certify to the County Treasurer the amounts which are to be placed to the credit of each district, and notify the clerk of each district of the amount placed to the credit of his district.

COMMENT.

APPORTIONMENT OF SCHOOL FUNDS.

By the State School Superintendent.—All money received from the rental of school lands and the interest received on school money loaned for the schools, as well as some other, are apportioned by the State School Superintendent.

Since most of the money received at this office is for interest on money loaned and is paid semi-annually, it is apportioned on the first day of January and the first day of July of each year.

The Basis of Apportionment.—Is per capita and is based on the number of children of school age as shown by the last school census list of each county. (Sec. 66).

County School Superintendent.—The school funds apportioned by this office are received from the office of the State School Superintendent and fines, forfeitures, licenses, etc., and are coming into the County Treasury continually; while its use depends upon the season of the year that the schools are in session.

Time.—All funds belonging to the various school districts of a county are apportioned quarterly by the County School Superintendent. (Sec. 67).

Basis.—(1) Two-thirds of the whole amount is apportioned per capita among the regular districts in proportion to the number of children as shown by the last report of the Census Marshals, counting no district less than 20.

(2) Five per cent of the remaining one-third, or so much as is needed, shall be apportioned among the rural high school districts and districts organized under the consolidated plan which carry high school work, in proportion to the number of teachers regularly employed, the amount not exceeding \$300 per teacher so employed during the school year.

(3) Fifty per cent of the remainder, or so much thereof, as may be needed to be used for the relief of all districts organized under Act "5" of this Act, which are unable to maintain the minimum term provided in Section 54 of this act, after having levied a tax of ten mills have not sufficient funds to maintain the minimum term. The County Superintendent shall be the judge as to the needs of such districts.

(4) The balance of the whole amount remaining after such aid has been given, shall be apportioned per capita among the several districts in proportion to the number of children in each district as shown by the last report of the census marshal of each district. Providing no district shall share in the distribution of these funds, that has not complied with the provisions of this act. (Sec. 67).

ARTICLE IX.

ACCOUNTS OF ALL SCHOOL MONEYS, BY WHOM KEPT.

Sec. 68. **Accounts of Treasurer With School District.** It is hereby made the duty of the County Treasurer of each county to keep a separate account with each school district in the county: place to the credit of each the amount of money certified to by the County Superintendent, as provided in this Chapter and to pay over the money on legally drawn warrants or orders of the district officers entitled to the same; Provided: That it shall be the duty of the County Superintendent, whenever any Board of Trustees fails to comply with the provisions of this Chapter, or any subsequent Act, to notify the County Treasurer in writing that there has been a failure upon the part of such Board of Trustees to comply with the law. Whereupon it shall be the duty of the County Treasurer to withhold all moneys apportioned to the district governed by said Board of Trustees, until he shall have received notice from the County Superintendent that the Board governing said district has fully

complied with the law. All moneys that shall be finally forfeited by any district shall be put into the general school fund of the county and be apportioned as other moneys. And it shall be the duty of said Treasurer to receive and hold, as special deposits, all moneys belonging to the public school fund of his county, in accordance with the provisions of this Chapter, and to pay them over only on warrants of the County Auditor; Provided, further: That the said County Treasurer shall pay over to the Treasurer of any Independent School District organized under the provisions of this Chapter, all moneys belonging to such district, upon the presentation of an order from the Clerk of the Board of Trustees of such district, signed also by the chairman thereof, and countersigned by the County Superintendent and County Auditor.

Sec. 69. Duties of County Superintendent. It shall be the duty of the County Superintendent in each county to keep a separate account with each school district in his county; to place to the credit of each district the amount apportioned by him as provided for in this Article; to countersign all legally drawn warrants and orders of the district officers entitled to draw the same; to enter the same upon his books in proper form, giving date, number of such warrant or order, to whom drawn, for what purpose, and the amount of the same. And further, it shall be the duty of the County Superintendent to collect, by process of law, all penal fines not paid over by the justices of the peace, or other officers required by law to pay the same into the County Treasury; and the same may be collected and recovered by action at law, in which the State of Idaho, by the County Superintendent, is plaintiff and the officer neglecting or refusing to pay over said moneys is defendant.

Sec. 70. Auditor to Draw School Warrants. It shall be the duty of the County Auditor, upon presentation of any order from the Clerk of the Board of Trustees of any school district in his county, (said order also being signed by the chairman of the said Board of Trustees, or in his absence, by the other members of the Board) to draw his warrant upon the school fund standing to the credit of the said district in favor of the persons mentioned in said order; Provided: That the said orders have been countersigned by the County Superintendent, but in no case shall he issue a warrant for a greater amount than there is cash in the Treasury to the credit of said district, except as provided in the four following Sections; Provided, further: That, in the case of Independent School Districts, the above shall be inoperative and the warrant of the Clerk of the Board, countersigned by the chairman of the Board, or, in his absence, by the other members of the Board, shall become a demand on the Treasurer of the Independent School District for the amount of the warrant. In no case shall a warrant be issued in an Independent School District for a greater amount than there is cash in the Treasury of the district, except as provided in the four following Sections.

Sec. 71. Deficiency Warrants. The Trustees of any school district may issue orders for warrants for the payment of teachers for their services in teaching, and for other necessary expenses connected with the school, whether or not there is any money in the treasury to the credit of the district issuing such orders for warrants; Provided: That the total amount of such orders for warrants shall not exceed the income and revenue for such district for such year; Provided, further: That the total amount of such orders for warrants or Independent School District warrants shall not exceed ninety-five

(95) per cent of the income and revenue for such district for such year, until such income and revenue has been paid into the Treasury to the credit of the district issuing such orders for warrants.

Sec. 72. **Same; Superintendent to Countersign Orders.** It shall be the duty of the County Superintendent of the county in which such orders for warrants are issued to countersign all such legally drawn orders for warrants when presented to him for signature.

Sec. 73. **Same; Issuance of Warrant.** On the presentation of an order for a warrant properly countersigned by the County Superintendent, the County Auditor shall issue a county warrant for the same as provided by law.

Sec. 74. **Same; Presentment for Payment.** The person holding such warrant issued by the County Auditor or Independent School District may present the same to the County Treasurer or Independent School District Treasurer for payment. If there is no money in the treasury to the credit of the said district on which the warrant is drawn to pay such warrant, the Treasurer shall indorse on the back of said warrant, "Not paid for want of funds." Warrants so indorsed by the County Treasurer or Independent School District Treasurer shall draw interest at the rate of seven (7) per cent per annum from the date of indorsement until paid; Provided: That, when the warrants of the district shall be at a discount, the warrant shall be drawn for a sufficient amount to cover the discount. .

Sec. 75. **Investment of Surplus Money.** Whenever there shall have accumulated in the hands of the Treasurer of any School District in the State, moneys belonging to said School District to an amount in excess of the amount which, in the opinion of the School District Board of said District, shall be necessary for the current expenses of maintaining the schools in said District, the same shall be invested by the said Board in United States bonds, State warrants or county warrants, when the market value thereof is not below par. And said Board shall deposit said securities in some safe deposit, and they shall there be kept until it shall become necessary to convert the same into money for school district purposes, to be determined by said Board.

COMMENT.

The Custodian of the School Fund.—All money for the regular school district is kept by the County Treasurer and the Independent Districts, each has its own treasurer to whom is paid all funds belonging to it.

The County School Superintendent as well as the County Treasurer keeps separate accounts for every district so that the clerk of the district may know at all times just how much is in each of the funds belonging to his district.

Payment of Money by School Districts.—Method. The ordinary method of procedure is that the bill is presented to the Board of Trustees for payment. If allowed by them they

give an order for a warrant which, in the regular districts, is presented by the holder to the County Superintendent who, if she approve it, countersigns the order. Then it is presented to the County Auditor, and if he approves it, he issues a warrant for its payment by the County Treasurer who charges the same to the district authorizing it. In case of the Independent District the Clerk, when authorized by the Board, issues a warrant that is paid by the Treasurer of the District.

ARTICLE X.

TEACHERS.

Section 85. Register and Report of Teachers. Teachers of the public schools must be furnished with a school register by the trustees of the district, for the purpose of registering the names of their pupils, and their daily attendance at schools, and at the close of the term said register must be delivered to the Clerk of the Board of Trustees of the District. The teacher must also be furnished with a blank report by said trustees, which report said teacher must fill up according to the heading of the same and transmit it to the County Superintendent of the county at the close of the term, and no teacher shall be allowed an order in excess of ninety per cent of his or her salary until said report is so made out and transmitted.

Sec. 86. General Duties of Teachers; Suspension of Pupils.

(a). Every teacher in the public schools may suspend, for good cause, any pupil, and report such suspension to the Board of Trustees for review. If the action of the teacher is sustained by the Board, the pupil may be censured and returned to the school or expelled from school, as in the judgment of the Board seems proper; but if not sustained, the teacher may appeal to the County Superintendent, whose decision shall be final.

(b). Every teacher shall make reports, in addition to those mentioned elsewhere in this chapter, which may be required by the State Superintendent, County Superintendent, or by the school district Board of Trustees; shall use the text books provided for the schools of the State; enforce the course of study and the rules and the regulations prescribed by the State Superintendent; hold pupils to a strict account for disorderly conduct or improper language in or about the building, on the play grounds, and on the way to and from school; shall keep himself or herself without reproach, and endeavor to impress upon the minds of the pupils the principles of truth, justice, morality, patriotism and refinement, and to avoid idleness, falsehood, profanity, vulgarity and intemperance; give attention during every school term to the cultivation of manners, and shall, if there be a library in the school, devote not less than one hour in each week to systematically reviewing the works contained therein.

Sec. 87. Teachers Must Have Certificate. No teacher shall be entitled to, or receive, any compensation for the time he or she teaches in any public school without a certificate valid or in force

for such time in the county where such school is taught, except that if a teacher's certificate shall expire by its own limitation within six weeks of the close of the term, such teacher may finish such term without re-examination or renewal of his or her certificate.

COMMENT.

Qualifications.—She must be eighteen years of age, a citizen of the United States or have declared her intention of becoming such, and have a certificate valid in this State at the time she is teaching. (Sec. 87-88).

Duties, Register and Reports.—Every teacher shall keep a register of the date of entrance, grade and daily attendance of each pupil. Section 85; make such reports as are required by the County and State Superintendents and the Board of Trustees. (Sec. 85-86).

Text Books and Course of Study.—The teacher shall follow the State course of study and use the adopted series of text books. (Sec. 86).

Eighth Grade Examinations. All pupils in the regular districts must pass examinations on questions covering the eight grades and prepared by the State School Superintendent. These examinations are given by the teacher in charge.

Institutes. All teachers and persons holding certificates must attend their County or joint institute at least five days annually. (Sec. 109, 110).

Contagious Diseases.—Whenever she suspects a pupil is afflicted with a contagious disease, she should report it to the principal, if there be one, otherwise to the trustees and whenever a pupil has been excluded from school for such cause the teacher should not admit him until he presents a certificate from the attending physician stating that all conditions required in such cases have been complied with. (Sec. 143).

The Pupil.—The teacher is responsible for the conduct of the pupil both in the school room and on the play ground. She may suspend but not expell him. (Sec. 86).

The Library.—The teacher must spend at least one hour each week in systematically reviewing the books in the school library.

The Teacher.—The teacher's duty to the Community, is, to be that of helpfulness, and to herself, is so to act that she will be without reproach.

ARTICLE XI.

EXAMINATIONS—TEACHER'S AND EIGHTH GRADE COMMENT.

Sec. 187. **Eighth Grade Examinations.** It shall be the duty of the State Superintendent of Public Instruction to prepare, or cause to be prepared, eighth grade examination questions to be used by the county superintendents of the several counties of the State in the examination of applicants for eighth grade diplomas, and to prescribe the rules and regulations for conducting all such examinations. All pupils shall be required to take such eighth grade examination, which may be taken entire at the close of the eighth grade work, or the examination in each required subject may be taken in the grade in which the subject is completed, and only those pupils shall be entitled to pass who shall obtain a general average of not less than eighty-five (85) per cent, and not falling below seventy (70) per cent in any branch. All pupils passing such examination shall be granted a diploma by the county superintendent of public instruction. No pupil shall be permitted to enter the first year of any High School in the State of Idaho who has not passed the eighth grade examination satisfactorily and obtained his or her diploma; Provided: That Class A, Independent School Districts shall be exempted from the provisions of this Section.

COMMENT.

Eighth Grade—Since a large percent of the pupils in the grades are in rural schools; which are comparatively ungraded, and since all who have completed the eighth grade are allowed to enter any high school in the state. The only method of securing a uniform standard of educational efficiency is to require all to take a common examination on questions prepared by the same individual and on the subjects required for entrance to high schools. At stated times throughout the year the State School Superintendent sends lists of questions to the various County School Superintendents to be used on certain designated days by the schools of the county, the time of examination and the questions on any given subject are uniform throughout the state. The examination is on reading, writing, arithmetic, orthography, geography, U. S. history, grammar, civil government and is conducted by the teacher in charge of the school

The papers are all sent to the County School Superintendent

who together with assistants grades them and grants eighth grade diplomas to all successful applicants. The assistants are allowed four dollars per day while engaged in grading papers.

Teachers—The State Board of Education holds two and the County School Superintendents four regular examinations annually. The former are conducted at Boise on the fourth Thursday of February and August and the latter at the county seats on the fourth Thursday of February, May, August and November.

How Conducted—The State Board of Education and the County School Superintendents have authority to employ one or more competent assistants to aid them, and while the examinations are in progress, the superintendent or one of the assistants must always be present.

Grading of Papers—All examination papers are graded at the office of the State School Superintendent by examiners appointed for that purpose. The registration blank is then referred to, that the name of the person whose number is found on the papers may be obtained and certificates issued to the successful applicant. The certificates being sent to the county school superintendents.

Expenses—Those assisting the State School Superintendent are allowed \$5.00 per day together with actual mileage and expenses for all time spent upon examining papers and for all time necessarily consumed enroute to and from the place where the grading is done. The assistants of the County School Superintendents are allowed only \$4 per day.

ARTICLE XII.

CERTIFICATION OF TEACHERS.

Section 88. Certificates Not Granted to Aliens. No person shall be granted a certificate or employed as teacher in any public school who is not a citizen of the United States, or who has not declared his intention to become such.

Section 89. Time, Place and Manner of Holding Examinations. Examinations for State and for State Life Certificates shall be held upon the fourth Thursday in February and August of each year. Examinations for County Certificates shall be held upon the fourth Thursday in February, May, August and November of each year. The examinations for each county shall be held in a suitable room at the county seat, and such examinations shall be under the

charge of the County Superintendent, and shall be conducted in accordance with the rules and regulations of the State Board of Education. The questions used in these examinations shall be such only as are sent out under seal by the State Board of Education, and the questions shall be opened on the day of examination in the presence of those to be examined. The County Superintendent shall send all examination papers of teachers to the office of the State Superintendent for grading in accordance with Section XI, Article 1. of this Act.

STATE AND LIFE CERTIFICATES.

Sec. 90. Classes of Certificates. The certificates issued by the State Board of Education shall be State Certificates, and Specialists' State Certificates, each of which shall be valid for eight (8) years, and State Life Certificates, valid for life, unless revoked for cause: Provided: That a State Life Certificate shall lapse when the holder thereof has not been actively engaged in school work for five (5) consecutive years. Said State Life Certificate shall, in such event, be renewable at the option of the State Board of Education.

Sec. 91. (a). State Certificate by Indorsement. The State Board of Education may issue State Certificates to persons of good moral character who are graduates from the advanced course (two (2) years' normal work above a four year high school course) of State Normal Schools of other states, who hold state or life certificates in such states, and to graduates of any chartered college or university having the power to grant degrees; Provided: That the bachelor degree of said college or university is recognized for credit by the state university of its respective state; Provided, further: That all applicants for certificates under this Act shall have been actually engaged in teaching within two (2) years of the date of making such application and shall present with such application satisfactory proof of having been successfully engaged in teaching for a period of not less than eighteen (18) months, together with certificate of graduation from such approved state normal, college or university. Such certificates may be renewed by the State Board of Education so long as the holder thereof is worthy, in their judgment, of continuing to teach in the State.

(b). The State Board of Education may issue Specialists' State Certificates, good only for special teachers of music, drawing, manual training, domestic science and physical education to persons of good moral character who are graduates from approved schools which offer courses of not less than two (2) years' work in any of the above mentioned special departments; Provided: That all candidates for such Specialists' State Certificates as above provided shall first present satisfactory evidence of having completed an academic course of a grade not lower than graduation from an approved high school before having entered upon such special course of two (2) years' work; Provided, further: That such Specialists' State Certificate shall authorize the holders to teach only in the special department or departments mentioned in said certificate.

Sec. 92. University of Idaho Graduates Entitled to Certificates. Every graduate of the University of Idaho receiving either the degree of Bachelor of Arts or Bachelor of Science, and the certificate of the head of the Department of Education of said University that he has completed the required work in said department or in lieu

of said certificate, has taught successfully in the public schools of the state for a period of five (5) years, shall receive a State certificate from the State Board of Education, if in the judgment of said Board the candidate is not otherwise disqualified.

Sec. 93. Life Certificate by Indorsement. The State Board of Education may issue a life certificate to any person of good moral character who holds a life certificate from another state of approved educational standing when such applicant shall present proof that he has been successfully engaged in teaching for at least five (5) years, two (2) of which shall have been in the State of Idaho, and shall furnish satisfactory evidence of his or her ability to instruct and to manage any school in the State by showing that he is either professionally trained or qualified by experience to do such work.

Sec. 94. State Certificate by Examination. The State Board of Education shall issue a State certificate to any person of good moral character who shall pass a thorough examination in such branches as the State Board of Education may direct; Provided: That such applicant shall present proof that he has been successfully engaged in teaching for at least three (3) years, and shall furnish the Board with satisfactory evidence of his ability to instruct and to manage any school within the State, and shall hold at the time a valid first grade county certificate.

Sec. 95. Life Certificates by Examination. The State Board of Education shall issue a State life certificate to any person of good moral character who shall pass a thorough examination in such branches as the Board may direct; Provided: That the applicant has been successfully engaged in teaching for at least five (5) years, two (2) of which shall have been in the State of Idaho, and shall furnish the Board with satisfactory evidence of his ability to instruct and to manage any school within the State, and shall hold at the time a valid State certificate.

Sec. 96. Fees for State and Life Certificates. Every person receiving a State Certificate shall pay to the State Treasurer the sum of Five Dollars (\$5.00), and every person before receiving a Life Certificate shall pay to the State Treasurer the sum of Ten Dollars (\$10.00) for deposit in the State Board of Education Fund. The State Board of Education shall require the receipt of the said Treasurer before issuing said State Certificate or State Life Certificate. The State Board of Education Fund shall be used to defray any and all expenses incurred by said Board in carrying out the provisions of this Act.

Sec. 97. Revocation of State and of State Life Certificates. The State Board of Education shall have power to revoke any State or State Life Certificate for any cause of disqualification which would have been sufficient ground for refusing to issue the same, had the cause existed or been known at the time of its issue; Provided: That before revoking any such certificate, the holder thereof shall have at least thirty (30) days notice to appear before the State Board of Education and show cause why such revocation should not be made.

Sec. 98. Record of Certificates. The State Board of Education shall keep a record of all state and State Life Certificates granted or revoked, showing to whom issued, age of grantee, date of issue, grade of each certificate, and if revoked, the date and reason therefor.

COUNTY CERTIFICATES.

Sec. 99. **Grades of Certificates.** The certificates issued by the County Superintendents in accordance with Section 13, Article 1, and with Sections 88 and 89 of this Article shall be of three (3) grades, valid in the counties in which they are issued for the term herein after specified, unless sooner revoked:

First grade, five (5) years from the date thereof.

Second grade, three (3) years from the date thereof.

Third grade, one (1) year from the date thereof.

Provided: That first and second grade certificates shall be good in any county in the State for the same period by the holder thereof filing a certified copy of the same with the County Superintendent in the county in which he desires to teach.

Sec. 100. **General Requirements.** The County Superintendent shall grant certificates in such form as the State Board of Education shall prescribe, to those persons only who shall have attained the age of eighteen (18) years, who are of good moral character, and who, if the applicant has taught, shall have proved his ability to govern and to instruct a school.

Each applicant for a county certificate shall pay to the County Superintendent the sum of One Dollar (\$1.00), the same to be deposited in the County Treasury to the credit of the Institute Fund to be used in the institute work in addition to the regular appropriation.

The County Superintendent, upon issuing county certificates in accordance with the report of the State Board of Education as provided in Section 13, Article 1, shall collect and forward to the State Treasurer for deposit in the State Board of Education Fund the sum of Three Dollars (\$3.00) for each first grade teacher's certificate; the sum of Two Dollars (-2.00) for each second grade teacher's certificate; and One Dollar (\$1.00) for each third grade teachers' certificate issued. No certificate shall be issued unless the applicant shall attain a general average of eight-five (85) per cent, with no subject below seventy-five (75) per cent.

Sec. 101. (a). **Third Grade Certificates.** Every applicant for a third grade certificate shall be examined in orthoepy, spelling, reading, penmanship, arithmetic, elementary composition, grammar, geography, history of the United States, and of the State of Idaho, physiology and hygiene with special reference to the effects of stimulants and narcotics upon the human system, school law, the manual of the elementary course of study for the common schools of Idaho, and the elements of agriculture; and in addition to passing examinations in the aforesaid branches he shall have attended a professional school for teachers for at least six (6) weeks, and shall have received in such school standings in the School Laws of Idaho, in school management, and in the methods of teaching reading and language, arithmetic, history and geography; Provided, however: That the provisions of this Section relative to attendance at professional schools for teachers shall not apply to persons who have taught successfully for at least eight (8) months prior to Jan'y 1, 1911.

(b). In this Act "Professional School for Teachers" shall mean a state normal school, a state summer normal school for teachers, the department of education in the State University, or, in counties remote from a state normal school or state summer normal school

for teachers, a teachers' normal institute maintained under such conditions and restrictions as may be provided by the State Board of Education; Provided: That such institute shall be taught by at least two (2) teachers and be of not less duration than six (6) weeks, and shall have in connection therewith a model or a practice school.

(c). A third grade certificate shall entitle the holder to teach for such period, not more than one (1) year, as may be specified therein, in the county in which the certificate is issued. A third grade certificate may be renewed if the holder shall, during the life of the certificate, attended a professional school for teachers for a period of not less than six (6) weeks and shall receive in such school credits in at least two (2) subjects. The holder of a third grade certificate may also renew the same by passing an examination in all the subjects required for a third grade certificate. Not more than three (3) third grade certificates shall be granted after July 1, 1911, to the same person.

Sec. 102. Second Grade Certificates. (a). An applicant to receive a second grade certificate shall have taught successfully in the public schools for at least eight (8) months and shall pass a satisfactory examination in all the branches required for a third grade certificate, and, in addition, in physical geography, American literature, English composition, and in the cataloging and the use of school libraries. The County Superintendent may transfer the standings of a third grade certificate in force to a second grade certificate if the holder of such third grade certificate has taught a school successfully for at least eight (8) months and has attended, since receiving such third grade certificate, a professional school for teachers for at least six (6) weeks and received credits in at least two (2) subjects.

(b). A second grade certificate issued in accordance with this Act or in force at the time of its enactment may be renewed if the holder thereof shall pass an examination in all the subjects required for a second grade certificate. Such second grade certificate may also be renewed without examination provided the holder thereof has taught successfully for two (2) years during the life of such certificate and has attended a professional school for teachers at least six (6) weeks and received credits in at least two (2) subjects. Not more than two (2) second grade certificates shall be granted after July 1, 1911, to the same person.

Sec. 103. (a). First Grade Certificates. An applicant to receive a first grade certificate shall have taught successfully for at least eight (8) months in the public schools and shall pass a satisfactory examination in all the branches required for a second grade certificate and in addition in English literature, principles of teaching, algebra, physics or botany, and mediaeval and modern or English history. The County Superintendent may transfer the standings of a second grade certificate in force to a first grade certificate if the holder of such second grade certificate has taught a school successfully for at least eight (8) months and has attended, since receiving such second grade certificate, a professional school for teachers for at least six (6) weeks and received credits in at least two (2) subjects.

(b). A first grade certificate may be renewed by the County Superintendent provided the holder has taught successfully for a period of five (5) years.

Sec. 104. Special Third Grade Certificate. Whenever the supply of legally qualified teachers in any county has been exhausted the

County Superintendent with the approval of the State Superintendent may issue special third grade certificates on examination in the subjects required for such certificates to as many persons as are necessary to fill the schools, provided that not more than one (1) such certificate shall be issued to the same person.

Sec. 105. **Permits to Teach.** Whenever the supply of legally qualified teachers in any county has been exhausted the County Superintendent, with the approval of the State Superintendent, may endorse the certificates of teachers from other counties or other states by writing thereon "Good until the next regular examination to be held on191..". The teacher holding such permit shall not teach thereon after the next regular examination, nor shall a second permit be issued to the same person within three (3) years of the issuance of the aforesaid first permit. A record of all permits shall be preserved in the office of the State Superintendent.

Sec. 106. **Revocation of Teachers' Certificates.** The County Superintendent shall have power to revoke any county certificate for neglect of duty, for incompetency to instruct and govern a school, for immorality or for any cause which should have been sufficient ground for refusing to issue the same, had the cause existed or been known at the time of its issue; Provided: That no certificate shall be revoked or annulled without a personal hearing, unless the holder thereof shall, after thirty (30) days' notice, neglect or refuse to appear before the Superintendent for that purpose; Provided, further: The said teacher shall have the right of appeal to the State Superintendent, whose decision shall be final; Provided, further: That it shall be the right of any citizen to bring to the attention of the State Board of Education any case in which the County Superintendent shall neglect or refuse to revoke a certificate when cognizant of the facts in the case, and it shall be the duty of the State Board of Education, through its executive officer, to investigate the charges, and, if proved true in accordance with the reasons set forth in this Section, then the State Board of Education is empowered to revoke the certificate in question.

Sec. 107. **Record of Certificates.** The County Superintendent shall keep a record of all certificates granted or revoked, showing to whom issued, age of grantee, date of issue, grade and duration of each certificate, and if revoked, the date and reason therefor.

COMMENT.

DIFFERENT KINDS OF CERTIFICATES RECOGNIZED IN THE STATE

THIRD GRADE

An applicant shall pass an examination in all the common school branches taught in the public schools of the state plus an examination in the course of study and the elements of agriculture, and shall have attended a professional school six weeks and received a standing in School Laws of Idaho and School Management and in methods in reading, language, arithmetic, history and geography; provided, that this section re-

lative to the attendance at professional schools for teachers shall not apply to teachers who have taught successfully for at least eight months prior to July 1, 1911.

SPECIAL THIRD GRADE.

When the supply of legally qualified teachers has been exhausted, the county school superintendent, may with the approval of the State School Superintendent, issue enough special third grade certificates to supply the demand, on condition that the applicant pass an examination on the subjects required for third grade, but not more than one such certificate may be issued to the same person.

SECOND GRADE.

The applicant must pass an examination in the subject required in the third grade plus physical geography, American literature, English composition, cataloging and use of school libraries; provided that the applicant's standing shown on his third grade certificate then in force may be transferred to the second grade, if the holder of the third grade certificate has taught a school successfully for eight months and has attended a professional school and received credit in at least two subjects since he received his third grade certificate.

FIRST GRADE.

The examination covers the same subjects as those named for the second grade plus English literature, principles of teaching, algebra, physics or botany, medieval and modern, or English history; provided, the applicant's grade for a second grade certificate in force may be transferred to the first grade if the applicant has taught eight months and has attended a professional school for teachers six weeks and received credits in at least two subjects.

STATE CERTIFICATES BY EXAMINATION

These are issued by the state board of education on applicants passing an examination on the required subjects, provided he has taught successfully three years, and satisfied the board that he can manage any school in the state and holds a first grade certificate.

STATE CERTIFICATES GRANTED STUDENTS OF STATE
UNIVERSITY

Every graduate of the University of Idaho, receiving either the Degree of Bachelor of Arts or Bachelor of Science, and the certificate of the head of the Department of Education of said University that he has completed the required work in said department, or in lieu of said certificate, has taught successfully in the public schools of the state for a period of five years, shall receive a state certificate from the state board of education, if in the judgment of said board the candidate is not otherwise disqualified.

STATE CERTIFICATES BY ENDORSEMENT.

The state board of education may issue state certificates to graduates of state normals (two years beyond four years high school course) of other states who hold state or life certificates, or to graduates of chartered colleges or universities having the power to grant degrees; provided the bachelor degree of said college or university is recognized for credit by the state university of its respective state; provided, further, that the applicant has been engaged in teaching within two years of the date of his applying for the certificate.

SPECIAL STATE CERTIFICATE.

Special state certificates may be issued by the state for special teachers of music, drawing, domestic science, or physical education; provided the applicants have completed an academic course of not lower than graduation from a four year high school of approved standing before entering upon a special course of two years' work.

LIFE CERTIFICATES BY EXAMINATION.

The State Board of Education shall issue a life certificate to any one who passes the required examination, holds a state certificate has taught five years, two of which shall have been in the State of Idaho, and furnishes the board satisfactory evidence of his ability to manage any school within the state.

LIFE CERTIFICATES BY ENDORSEMENT.

Life certificates may be granted by endorsement, by the

state board, of the certificates of those who hold life certificates from another state of approved educational standing, provided they have taught five years, two of which have been in Idaho.

Each of the Normal Schools grants five (5) years certificate, also certificate on the completion of the course in Manual Training, Domestic Science, Music, Physical Education and Life Diplomas to all who complete the regular course.

PERMITS.

When the supply of legally qualified teachers has been exhausted, the county superintendent may, on the approval of the state superintendent, endorse the certificates of teachers from other counties or states by writing thereon, "Good until the next regular examination," specifying the date of such examination.

RENEWALS.

Only three third grade certificates may be issued after July 1, 1911, to the same person, and then only after he has taken an examination on the required subjects, or has attended a professional school six weeks and received credits in two subjects.

Second grade—Not more than two second grade certificates shall be granted to the same person after July, 1911, and then only on condition that the applicant takes the regular examination; or has taught two years during the life of his certificate, and has attended since it was granted, a professional school for six weeks and received credits in two subjects.

First grade certificates may be renewed on condition that the holder has taught five years.

Other grades of certificates granted by the state board of education are renewable.

GRADES REQUIRED FOR CERTIFICATES.

No certificate shall be issued unless the applicant shall attain a general average of 85 per cent., with no subject below 75 per cent.

PROFESSIONAL SCHOOLS.

These shall include the state and summer normals, the department of education of the university, and the normal

institutes in counties remote from summer and state normals and which are approved of by the state board of education.

REVOCATION OF TEACHERS' CERTIFICATES.

Any certificate may be revoked for good and sufficient cause, the holder of the certificate must however have due notice and be given an opportunity to defend himself before such action is taken.

The County School Superintendent revokes county certificates, the State Board of Education those granted by it and presumably the state institutions those granted by them.

The causes for which certificates may be revoked are stated in sections 96 and 106 of the school law. The teacher may appeal from the decision of the County School Superintendent to the State School Superintendent; if the County Superintendent fails to revoke a certificate when in possession of the facts justifying it any citizen may bring this to the attention of the State Board of Education who will investigate the charges.

ARTICLE XIII.

TEACHERS' INSTITUTES.

Section 108. **County Superintendent to Hold Institute.** The County Superintendent of each county in this State must hold annually a teachers' institute at such time as he may designate, and such institute must continue in session not less than five (5), nor more than fifteen (15) days. He must give at least ten (10) days' notice of the time and place of holding such institute by publication in some newspaper published in the county, and by written notice to each qualified teacher in the county; Provided: That two or more counties may unite in holding a joint institute under the joint supervision of the county superintendents of such counties.

Sec. 109. **Teachers Must Attend Institute.** It is the duty of all teachers engaged in the county and of all persons holding certificates to attend such institutes at least five (5) days, and participate in the exercises thereof, and all teachers who may have charge of schools at the time of holding the annual institute must adjourn their schools for the time during which the institute is held; Provided: That when joint institutes are held in accordance with the provisions of the preceding section, it shall be the duty of all teachers in said counties, and of all persons holding certificates therein, to attend such joint institute at least five (5) days.

Sec. 110. **Teachers of Adjourned Schools to Draw Pay.** All teachers who may adjourn school for the purpose of attending any annual county or joint institute must be allowed the same pay while in actual

attendance as when teaching, and the County Superintendent must certify to the number of days' attendance of each teacher, and the trustees of the several districts must count them as so many days lawfully employed.

Sec. 111. **Conduct and Expenses of Institute.** The County Superintendent shall procure the services of one or more competent persons to assist in conducting said institute; he must also provide a building, lights, stationery, janitor service, and all things necessary for the holding of the institute; and must present an itemized account of such expenses, not to exceed One Hundred Fifty Dollars (\$150) exclusive of the amount received from fees of applicants for teachers' certificates, to the auditor of his county, which sum, or as much thereof as may be needed, is hereby appropriated, and, upon the presentation of said itemized account, the county auditor shall issue a warrant on the current expense fund in favor of the County Superintendent equal to the amount of such expenses, and the county auditor shall draw a warrant on the institute fund for institute fees, upon demand of the County Superintendent; Provided: In case joint institutes are held as provided in Section 109, the County Superintendents of the counties holding such institutes shall each present an itemized account of such expenses, as aforesaid, to the auditor of his county, and the expenses thereof shall be borne equally by such counties, and the county auditor shall issue a warrant in favor of the County Superintendent for the part chargeable against such county.

COMMENT.

All of the professions and many of the trades have their organizations for the purpose of promoting the interests of their particular profession or trade. It is an advantage for people engaged in similar kinds of work to meet and discuss the best means of doing that work. It is very helpful, and a source of inspiration for teachers to meet together and hear discussed the best methods for the teaching of different subjects. Since the district shares in all new ideas gained by the teacher, it pays him for his time while attending institute, provided the school is in session.

The roll is called twice each day at an institute and a record made of the attendance of each teacher. At the close of the session the County School Superintendent gives him a certificate of attendance, showing how many days he was present.

Teachers may attend in any county in the state, but if they fail to attend anywhere their certificate may be revoked.

ARTICLE XIV.

PREVENTION OF DISEASE.

Section 142. The owner, or agent of the owner of a house in which a person resides who has smallpox, diphtheria, scarlet fever, or any other contagious or infectious disease, dangerous to the public health, and the physician called to attend the person or persons so affected shall, within twenty-four (24) hours after becoming cognizant of the fact, give notice thereof to the clerk of the board of trustees of the school district in which said person so afflicted resides, and said person so afflicted shall be kept away and apart from all other persons except those whose presence may be necessary to the physical or spiritual wellbeing of such person or persons.

Sec. 143. **Exclusion of Pupils from Infected Households.** The school trustees of the various school districts in the State shall not allow any pupil to attend the public schools while any member of the household to which such pupil belongs is sick of smallpox, diphtheria, scarlet fever, or other contagious or infectious disease, dangerous to the public health, or during the period of two (2) weeks after the death, recovery, or removal of such sick person; and any pupil coming from such household shall be required to present to the teacher of the school the pupil desires to attend, a certificate from the attending physician of the facts necessary to entitle him to admission in accordance with the above regulations.

Sec. 144. **Disinfection of Textbooks.** Whenever any text book or books belonging to any school district shall be in the house during the time that pupils residing in such house are prevented from attending the public school in accordance with the provisions of this article, such book or books shall not be returned to such public school until the same shall have been thoroughly disinfected under the direction of the attending physician, who shall certify the same to the teacher of said school, or to the clerk of the board of trustees in case the school is not in session at such time.

Sec. 145. **Violation of Article a Misdemeanor.** Any school trustee or other person violating any of the provisions of this article shall be deemed guilty of a misdemeanor

COMMENT.

The diseases affecting children and considered contagious, are: measles, German measles, chicken pox, whooping cough, mumps, scarlet fever or scarlatine, diphtheria, influenza, small pox, eryseplis, ophthalmia, consumption.

Every teacher should know the general symptoms of these diseases, while she should be discreet and considerate in her treatment of any suspected case yet she should be careful. Every year many schools are closed and deaths are not infrequent, caused by the spread of some disease that could easily have ben stamped out in its incipency.

The law is clear in regard to the treatment of the person afflicted, as well as other members of the household. It also requires that text books in homes where contagious diseases have existed be disinfected. The attending physician or health officer should be consulted in regard to methods of disinfection.

ARTICLE XV.

PHYSIOLOGY AND HYGIENE.

Sec. 190. **Physiology and Hygiene.** (a). That physiology and hygiene, which shall, in each division of the subject so pursued, include special reference to the nature of alcoholic drinks, stimulants, and narcotics and their effects upon the human system, and which shall be included in the branches of study required by law to be taught in the common schools of this State, shall be introduced and studied in a regular branch during each school term, or during such portion of each school term as may be necessary to enable all pupils to pass prescribed examinations in the text books on said study, furnished the respective grades and corresponding classes in ungraded schools, in all departments of the common schools of the State, in State reformatories and in all educational institutions supported wholly or in part by appropriations by the State.

(b). It shall be the duty of the boards of trustees of the several school districts in this State to provide the best authoritative text books that can be obtained on said study, and also to provide needed facilities, and to arrange definite time and place for this branch in the regular course of study. The text books in the pupils' hands shall be graded in accordance with their respective school grades, and correspondingly in ungraded schools, and in the lower grades where text books on said subject are not in the hands of pupils, oral instruction in this subject shall be given by teachers using illustrations, charts, and standard text books adapted to such oral instruction, and the same test shall be required in this branch for promotion as in other studies.

Sec. 191. In all teachers' training classes in the normal schools of this State, and in teachers' institutes, adequate time and attention shall be given to instruction in the best methods of teaching this branch, and a competent lecturer on this subject shall be secured for teachers' institutes and associations.

Sec. 192. The superintendents of State reformatories shall make suitable provision for the teaching of this branch in said reformatories.

Sec. 193. On satisfactory evidence that any teacher has wilfully refused or neglected to teach this subject, as herein provided, the State or county superintendent shall revoke the certificate of such teacher. Such revocation not to be made, however, without thirty (30) days' notice to such teacher and the consideration of such evidence as may be produced in his support.

COMMENT.

Physiology and Hygiene is one of the required subjects in the state course of study and the school law requires all teachers to pass an examination on this same subject.

The reasons are apparent. While health should be the normal condition of every human being, disease is so common as to make it almost the abnormal. Defective sight, hearing, bad teeth, adenoids, headaches, nervousness, malnutrition and physical deformities and imperfections are far more common among school children than is generally realized.

The child's physical welfare should be the first concern of the teacher, the parent and the public. He should be taught when, what and how to eat; how to sit, stand and walk properly; the necessity of cleanliness of person, home and premises; the value of exercise, fresh air and sunshine. The need of rest, recreation and sleep the danger of poorly ventilated and over-heated rooms of draughts and improper clothing; the value of taking all necessary precautions to preserve health as it is the greatest safe guard against the use of stimulants of any kind.

The evil influences of alcoholic drinks and narcotics are so well known and the law requiring the teacher to teach these influences so clear and mandatory that there seems little use to call attention to either. It may not be out of place, however, to say that the demonstrating to the class how alcohol will cook meat, or the abuse of the saloon keeper are not the most effective methods of dealing with these questions, especially with children.

ARTICLE XVI.

CHILD LABOR ACT.

Sec. 166. **Section on Employment of Children Under Fourteen.** No child under fourteen (14) years of age shall be employed, permitted, or suffered to work in or in connection with any mine, factory, workshop, mercantile establishment, store, telegraph or telephone office, laundry, restaurant, hotel, apartment house, or in the distribution or transmission of merchandise or messages. It shall be unlawful for the person, firm or corporation to employ any child under fourteen (14) years of age in any such business or service whatever during the hours in which the public schools of the district in which

the child resides are in session, or before the hour of six (6) o'clock in the morning, or after the hour of nine (9) o'clock in the evening; Provided, That any such child over the age of twelve (12) years may be employed at any of the occupations mentioned in this Act during the regular vacations of two weeks or more of the public schools of the district in which such child resides.

Sec. 167. Same; Children Under Sixteen; Educational Requirements. No minor who is under sixteen (16) years of age shall be employed or permitted to work at any gainful occupation during the hours that the public schools of the school district in which he resides are in session, unless he can read at sight and write legibly simple sentences in the English language, and has received instruction in spelling, English grammar, and geography and is familiar with the fundamental operations of arithmetic up to and including fractions, or has similar attainments in another language.

Sec. 168. Employers to Keep Record of Minor Employees. Every person, firm, corporation, agent, or officer of a firm or corporation employing or permitting minors under sixteen (16) years of age and over fourteen (14) years of age to work in any mine, factory, workshop, mercantile establishment, store, telegraph or telephone office, laundry, restaurant, hotel, apartment house, or in the distribution or transmission of merchandise or messages, shall keep a record of the names, ages, and place of residence of such minors.

Sec. 169. Working Hours for Children Under Sixteen. No person under the age of sixteen (16) years shall be employed or suffered or permitted to work at any gainful occupation more than fifty-four (54) hours in any one (1) week, nor more than nine (9) hours in any one (1) day; nor before the hour of six (6) o'clock in the morning nor after the hour of nine (9) o'clock in the evening.

Sec. 170. Penalty for Violation of This Article. Whoever employs a child under sixteen years of age, and whoever having under his control a child under such age permits such child to be employed in violation of Sections 1 and 2 of this Act shall, for such offense, be fined not more than Fifty Dollars (50), and whoever continues to employ any child in the violation of either of said sections of this Act after being notified by a truant officer, probation officer, or school authority shall, for every day thereafter that such employment continues, be fined not less than Five Dollars (\$5.00) nor more than Twenty Dollars (\$20). A failure to produce to a truant officer, policeman, probation officer, or school authority, the age record required by this Act shall be prima facie evidence of the illegal employment of any person whose age record is not produced. Any parent, guardian, or custodian of a minor under sixteen (16) years of age who knowingly swears falsely as to the age of such child for the purpose of obtaining an age record is guilty of perjury.

Sec. 171. Prohibition Against Theatrical Employment of Children. Any person, whether as parent, relative, guardian, employer or otherwise, having the care, custody or control of any child under the age of sixteen years, who exhibits, uses or employs in any manner or under any pretense, sells, apprentices, gives away, lets out, or disposes of such child to any person, under any name, title, or pretence, for or in any business, exhibition or vocation, injurious to the health or dangerous to the life or limb of such child, or in or for the vocation, occupation, service, or purpose of singing, playing on musical instruments, rope or wire walking, dancing, begging or peddling, or as gymnast, acrobat, or contortionist, or rider, or in any

place whatsoever, or for any obscene, indecent, or immoral purpose, exhibition, or practice whatsoever, or for or in any mendicant, or wandering business whatsoever, or who causes, procures, or encourages such child to engage therein, is guilty of a misdemeanor, and punishable by a fine of not less than Fifty Dollars (\$50) nor more than Two Hundred and Fifty Dollars (\$250), or by imprisonment in the county jail for a term not exceeding six (6) months or by both such fine and imprisonment. Every person who takes, receives, hires, employs, uses, exhibits, or has in custody any child under the age and for any of the purposes mentioned in this section is guilty of a like offense and punishable by like imprisonment. Nothing in this section contained applies to or affects the employment or use of any such child as a singer or musician in any church, school, or academy, or the teaching or learning of the science or practice of music.

Sec. 172. Employment of Minors in Saloons, Etc. Any person whether as parent, guardian, employer, or otherwise, and any firm or corporation, who as employer or otherwise, shall send, direct, or cause to be sent or directed any minor, to any saloon, gambling house, house of prostitution or other immoral place; or who shall employ any minor to serve intoxicating liquors to customers, or who shall employ a minor in handling intoxicating liquor or packages containing such liquors in a brewery, bottling establishment or other place where such liquors are prepared for sale or offered for sale, shall, for each offense, be punished by a fine of not less than Fifty Dollars (\$50) or imprisonment for not less than two (2) months or by both such fine and imprisonment.

Sec. 173. Probation Officers and School Trustees to Bring Complaint. The probation officer, or in counties where there is no probation officer, one or more of the school trustees shall visit the various places of employment mentioned in sections 166 and 172 of this Act and ascertain whether any minors are employed therein contrary to the provisions of this Act, and they shall bring complaint for offenses under this Act to the attention of the prosecuting attorney for prosecution, but nothing herein shall be held to prohibit any reputable citizen from bringing complaint for violations of this Act. All offenses under this Act shall be prosecuted in the Probate Court.

ARTICLE XVII.

COMPULSORY EDUCATION.

Section 146. The Law. The compulsory education law shall be the provisions of Section 160, of Article XVII of this Act. To render the same more effective, the following is prescribed:

Sec. 147. Publish Law. It shall be the duty of the County Superintendent to publish this law for four (4) weeks in at least two (2) newspapers in the county before the opening of school in September. The County Superintendent shall also have the law printed on large sheets of board and shall cause the same to be placarded whenever necessary.

Sec. 148. Census List. It shall be the duty of the clerk of the board of school trustees of each district, on or before the third Monday in September, to furnish or cause to be furnished to the head teacher of the schools in his district a list of all the children in the

school district between the ages of eight (8) and eighteen (18) years, said list to be taken from the report of the school's census marshal for the current year.

Sec. 149. Duties of Teachers. (a) It shall be the duty of the head teacher of each district to check or cause to be checked the enrollment of the school against the report furnished by the clerk as aforesaid, and to report to the County Superintendent all pupils not in attendance who are within the ages of eight (8) and eighteen (18) and who have no release from school.

(b). At the beginning of each month thereafter it shall be the duty of such head teacher to report to the County Superintendent, the names of all children between eight (8) and eighteen (18) not bearing releases who failed to attend school during the preceding month. It shall be the duty of the County Superintendent to refuse to countersign the teachers' warrants until such reports are made as herein provided; Provided: That districts having a Superintendent of Schools shall not report to the County Superintendent but shall proceed through their District Superintendent in the same manner as herein provided for County Superintendents.

Sec. 150. Duty of County Superintendents. Upon the receipt of such report the County Superintendent shall promptly give to the probation officer the names of all pupils who do not bear releases from school issued by proper authority

Sec. 151. Duty of Probation Officers. The probation officer shall serve due notice upon the parents and guardians to place such children in school. If such children are not placed within school within a reasonable time and are not entitled to bear a release, then the child and the parent or guardian shall be proceeded against as provided in the laws for the correction of delinquent children. It shall be the duty of the probation officer to prefer such complaint.

COMMENT.

School Age.—All children between the ages of eight and eighteen years of age, as shown by the Census taken on the first Tuesday of September of the current year, shall attend school for the entire school year. (Sec. 58-160).

EXCEPTIONS.

1. Children who have completed the Eighth Grade.
2. Children whose help is necessary for its own or parents support.
3. Where a good reason is given for exempting the child from complying with the provisions of this law.
4. Children who are exempt by reason of a physician's certificate.
5. Taught at home by person qualified.

TO WHOM APPLICATIONS MUST BE MADE FOR EXEMPTION.

1. To the Superintendent of the School District where there is one.
2. To the County School Superintendent where there is no District Superintendent

METHOD OF MAKING APPLICATION FOR EXEMPTION.

1. Application should be made to to the District School Superintendent if there be one; if not, to the County School Superintendent.
2. If the request is denied, an appeal may be taken to the Probate Judge of the County but this appeal must be taken within ten days after the refusal of the request and by filing the application with the clerk. Applications may not be renewed oftener than once in three months. (Sec. 160).

METHOD OF ENFORCING THE LAW.

1. Four weeks before the opening of school in September, the County Superintendent shall publish contents of law in two newspapers of the County.
2. The Clerk of the Board of Trustees shall on or before the third Monday in September furnish the head teacher of each district a list of the children in his district between the ages of eight and eighteen subject to the provision of this law. (Sec. 148).
3. At the beginning of each month, the head teacher in each district where there is no Superintendent shall report to the County Superintendent the names of all children between the ages of eight and eighteen not attending school during the preceeding month. The County School Superintendent shall refuse to countersign the warrant of any teacher not complying with this request. (Sec. 149).

PROBATION OFFICER.

4. Upon the report of the teacher to the County Superintendent or the District Superintendent as the case may be, the Superintendent reports to the Probation Officer the names of all children violating this law. This officer sends due notice to the parents or guardians of such children, to place them in school.

If they do not comply with the request within a reasonable time he makes investigation of the case and if the law has been violated, he arrests the child and brings it before the Probate Judge who disposes of the case in accordance with the provisions of the law. (Sec. 157).

PENALTY FOR ENCOURAGING DELINQUENCY.

5. Any person causing or contributing to the delinquency of any child shall be guilty of a misdemeanor and upon conviction may be fined not to exceed \$300 or imprisonment not to exceed six months or shall suffer both fine and imprisonment or the Court may suspend the sentence so long as the persons comply with such conditions as he may impose upon them. (Sec. 159).

THE PROBATION OFFICER.

6. The probate judges of the different counties shall appoint one or two persons to act as probation officers. Counties with a school population of less than 5000 are entitled to one such officer; while those with a population greater than this are entitled to two.

ARTICLE XVIII.

PROCEEDINGS FOR THE CORRECTION OF DELINQUENT CHILDREN

Section 152. **Delinquent Child Defined.** This Act shall apply only to children under the age of eighteen (18) years not inmates of a state institution, or any institution incorporated under the laws of the State, for the care and correction of delinquent children. The record of the census made by the clerk of the school district where any child was last enumerated shall be prima facie evidence of the age of such child for the purposes of this Act. The word "delinquent child" shall include any child under the age of eighteen (18) years who violates any law of this State, or any city or village ordinance; or who is incorrigible or who knowingly associates with thieves, vicious, or immoral persons; or who is growing up in idleness or crime, or who knowingly visits or enters a house of illfame; or who knowingly patronizes or visits any policy shop or place where gambling device is, or shall be operated; or who patronizes or visits any pool room or bucket shop, or who wanders the streets in the night time without being on any lawful business or occupation; or who habitually wanders about any railroad yard or tracks, or who jumps or hooks on to any moving train, or enters any car or engine without lawful authority; or who habitually uses vile, obscene, vulgar, profane, or indecent language, or is guilty of immoral conduct in public places

or about any school house. Any child committing any of the acts herein mentioned shall be deemed a juvenile delinquent person, and shall be proceeded against as such in the manner hereinafter provided. A disposition of any child under this Chapter, or any evidence given in such cause shall not, in any civil, criminal or other cause or proceeding whatever in any court, be lawful or proper evidence against such child for any purpose whatever, excepting in subsequent cases against the same child under this Chapter. The word "child" or "children" may mean one or more children, or the word "parent" or "parents" may mean one or both parents when consistent with the intent of this Chapter.

Sec. 153. Jurisdiction of Probate Court; Records and Reports. The Probate Courts of the several counties in this State shall have jurisdiction in all cases coming within the terms and provisions of this Chapter. Record books shall be kept by the Court for all cases coming within the provisions of this Chapter to be known as "The Juvenile Record," and the docket or calendar of the Court upon which there shall appear the case or cases under the provisions of this Chapter shall be known as "The Juvenile Docket." Between the first and thirtieth day of October of each year the Court shall submit to the Governor a report in writing, upon blanks to be furnished by the State, showing the number and disposition of delinquent children brought before such Court, together with such other useful information regarding such cases, and the parentage of such children, as may be reasonably obtained at the trials thereof; Provided: That the name or identity of any such child or parent shall not be disclosed in such report, and that such report shall not be published at State expense.

Sec. 154. Information or Complaint. All proceedings under this Chapter shall be by information or sworn complaint to be filed by the prosecuting attorney of the county as in other cases under the general laws of the State. In any such information or complaint filed under this Chapter, the act or acts claimed to have been committed by the child proceeded against shall in a general way be stated therein as constituting such child a juvenile delinquent child or person. When the information or complaint so states a cause of delinquency under the provisions of this Chapter, that the Court may understand it, all irregularities or defects of form herein must be disregarded and all technical pleas or objections thereto must be summarily disposed of by the Court, and the Court's ruling thereon shall be final. It shall be unlawful for any officer or person to charge or collect any fees, or for any county or state to pay any fees for any service performed by any officer or person under the provisions of this Chapter.

Sec. 155. Issuance of Warrant; Imprisonment to Be Avoided. Upon the filing of an information under this chapter, a warrant or capias may issue as in other cases, but incarceration of the child proceeded against thereunder shall be made or had, unless, in the opinion of the Judge of the Court, or, in the absence of the judge from the county seat, then in the opinion of the sheriff of the county, it shall be necessary to insure its attendance in court at such times as shall be required. In order to avoid such incarceration, if practicable, it shall be the duty of the sheriff of the county, or his deputy or representative, to serve a notice of the proceedings upon at least one (1) parent of the child, if living and known, or its legal guardian, or if his or her whereabouts or residence is not known, or if neither parent or guardian shall be in this State, then some relative living

in the county, if any there be whose whereabouts are known, and such judge or sheriff may accept the verbal or written promise of such person so notified, or of any other proper person, to be responsible for the presence of such child at the hearing in such case, or at any other time to which the same may be adjourned or continued by the court. In case such child shall fail to appear at such time or times as the court may require, the person or persons responsible for its appearance as herein provided for, unless in the opinion of the court there shall be reasonable cause for such failure of such child to appear as herein provided for, may be proceeded against as in cases of contempt of court and punished accordingly; and where any such child shall have failed to appear, as required by the court or its officers, any warrants, *capias*, or *alias capias* issued in such cases may be executed as in other cases; Provided, however: That no child under fourteen (14) years of age shall, under any circumstance, be incarcerated in any common jail, cell, cell or lock-up, but a suitable room in the county building or court house must be provided wherein the sheriff may safely keep such child. Any child so informed against shall also have the right now given by law to any person to give bond or other security for its appearance at the trial of such case, and the court may, in any such case, appoint counsel to appear and defend on behalf of any such child, who must serve without compensation from the county or state.

Sec. 156. Arrested Child to Be Taken Before Probate Court. When any child under the age of eighteen (18) years is arrested, with or without warrant, except when the charge against such child is a felony, such child shall, instead of being taken before a justice of the peace or police magistrate, be taken directly before the probate court; or if the child is taken before a justice of the peace or police magistrate, upon complaint sworn out in such court or for any other reason, it shall be the duty of such justice of the peace or police magistrate to transfer the case to such probate court, and of the officers having the child in charge, to take the child before that court, and in any such case the court may proceed to hear and dispose of the case in the same manner as if such child had been brought before the court upon information originally filed as herein provided.

Sec. 157. Commitment of Child. In any case of a delinquent child coming under the provisions of this chapter, the court may continue the hearing from time to time, and may commit the child to the care of the sheriff, and may allow said child to remain in its own home, subject to the sheriff, such child to report to the court or sheriff as often as may be required, and subject to be returned to the court for further proceedings whenever such action may appear necessary, or the Court may cause the child to be placed in a suitable family home, subject to the friendly supervision of the sheriff, and the further order of the Court; or it may authorize the child to be boarded out in some suitable family home, in case provision is made by voluntary contribution or otherwise for the payment of the board of such child, until suitable provision be made for the child in a home without such payment, or the Court may commit such child to the Idaho Industrial Training School; or the Court may commit the child to any institution within the county, incorporated under the laws of this state that may care for children or to any state institution which may now or hereafter be established for the care of boys or girls. In no case shall a child proceeded against under the provisions of this chapter be committed beyond the age of twenty-one (21). A child committed

to any such institution shall be subject to the control of the board of managers and the said board shall have power to parole such child on such conditions as it may prescribe, and the Court shall, on the recommendation of the board, have power to discharge such child from custody, whenever, in the judgment of the court, his or her reformation is complete; or the court may commit the child to the care and custody of some association or society that will receive it, embracing within its objects the care of neglected or delinquent children, and which has been duly credited as herein provided; Provided, That when the Court shall commit a child to any person or association or institution of any kind other than some institution existing under the authority and laws of this State, it must not be at the expense of the state, and in all such cases the Court may require a proper bond of the party or institution receiving the custody of such child, for its proper care, support and education.

Sec. 158. Supervision of Institution Receiving Children. All institutions or associations, other than State institutions, receiving children under this chapter, shall be subject to the same visitation, inspection, and supervision as are public charitable institutions of this State, and it shall be the duty of the Governor to pass annually upon the fitness of any institution or association which may receive, or desire to receive any child or children under the provisions of this chapter; and every such institution or association shall, at such times as said Governor shall direct, make a report to him, showing its condition, management and competency to care adequately for such children as are, or may be, committed to it, and such other facts as said Governor may require, and upon said Governor being satisfied that any such institution or association is competent, and has adequate facilities to care for such children, he shall issue to the same a certificate to that effect, which certificate shall continue in force for one year unless sooner revoked by said Governor, the Court or the Judge thereof may at any time, require from any such institution or association receiving or desiring to receive children under the provisions of this chapter, such report, information, and statements as the Court or Judge shall deem proper and necessary for his action, and the court shall in no case commit a child or children to any association or institution whose standing, conduct, or care of children, or ability to care for the same, is not satisfactory to the court.

Sec. 159. Encouraging Delinquency a Misdemeanor. In all cases where any child shall be a delinquent child, a juvenile delinquent person, or a juvenile disorderly person, as defined by this Act, the parent or parents, legal guardian, or person having the custody of such child, or any other person responsible for, or by any act encouraging, causing or contributing to the delinquency of such child, shall be guilty of a misdemeanor, and upon trial and conviction thereof shall be fined in a sum not to exceed Three Hundred Dollars (\$300), or imprisonment in the county jail for a period of not exceeding six months, or shall suffer both fine and imprisonment. The Court may impose conditions upon any person found guilty under this Act, and so long as such person shall comply therewith to the satisfaction of the court the sentence imposed may be suspended.

Sec. 160. Children to Attend School. In all school districts of this State, all parents, guardians, and other persons having care of children shall instruct them, or cause them to be instructed, in reading, writing, spelling, English grammar, geography and arithmetic. In

such districts, every parent, guardian, or other person having charge of any child between the age of eight (8) and eighteen (18) years, shall send such child to a public, private, or parochial school for the entire year during which the public schools are in session in such district; Provided, however: That this chapter shall not apply to children over fourteen (14) years of age, where such child shall have completed the eighth (8) grade, or may be eligible to enter any high school in such district, or where its help is necessary for its own use or its parents' support, or where for good cause shown it would be for the best interest of such child to be relieved from the provisions of this chapter; Provided, further: That if a reputable physician within the district shall certify in writing that the child's bodily or mental condition does not permit its attendance at school, such child shall be exempt during such period of disability from the requirements of this chapter. It shall be the duty of the superintendent of the school district, if there be such superintendent, and if not, then the county superintendent of schools, to hear and determine all applications of children desiring, for any of the causes mentioned here, to be exempted from the provisions of this chapter, and if upon such application such superintendent hearing the same, shall be of the opinion that such child for any reason is entitled to be exempted as aforesaid, then such superintendent shall issue a written permit to such child, stating therein his reason for such exemption. An appeal may be taken from the decision of such superintendent so passing upon such application, to the probate court of the county in which such district lies, upon such child making such application and filing the same with the clerk or judge of said court, within ten days after its refusal by such superintendent, for which no fee to exceed the sum of One Dollar (\$1.00) shall be charged, and the decision of the probate court shall be final. An application for release from the provisions of this chapter shall not be renewed oftener than once in three months.

Sec. 161. Juvenile Disorderly Persons Defined. Every child within the provisions of this chapter who does not attend school, as provided in the preceding section, or who is in attendance at any public, private, or parochial school, and is vicious, incorrigible, or immoral in conduct, or who is an habitual truant from school, or who habitually wanders about the streets and public places during school hours without lawful occupation or employment or who habitually wanders about the streets, in the night time, having no employment or lawful occupation, shall be deemed a juvenile disorderly person, and be subject to the provisions of this chapter.

Sec. 162. Same: Complaint: Hearing and Commitment. When a child shall be a juvenile disorderly person within the meaning of this chapter, the truant officer, or any school teacher, or other reputable person may make complaint in the Probate Court of the county in which such child resides. The Probate Court shall hear and determine such complaint, and if it is determined that such child is a juvenile disorderly person within the meaning of this chapter, he or she shall be committed to a children's home, if eligible, or to the Idaho Industrial Training School, or to some other training school, taking into account the years of the child with reference to the institution selected. Any child committed to a children's home, on its being shown to the Judge of said Court that it is incorrigible and vicious, may be transferred to the Industrial School or other proper institution. No child committed to any reformatory shall be detained beyond his majority, and may be discharged sooner, or paroled by the trus-

tees or board of control under rules and restrictions applicable to other inmates. Any order of commitment may be suspended by the judge of the Probate Court during such time as the child may regularly attend school and properly conduct itself. The expense of the transportation of the child to the juvenile reformatory shall be paid by the county from which the child is committed.

Sec. 163. Probation Officers; Appointment and Duties. The Probate Courts of the several counties in this State shall have authority to appoint or designate one or more discreet persons of good moral character to serve as probation officers during the pleasure of the court; said probation officers having authority to act only upon the request and under the direction of the Probate Court, and to receive such compensation for services actually performed as the Probate Court shall deem just and proper. The number of paid probation officers appointed and designated by the court shall be as follows: In counties in which the last school census shows a school population of over five thousand (5,000) not to exceed two (2) probation officers; in all other counties not to exceed one (1) probation officer. In case a probation officer shall be appointed, it shall be the duty of the Judge of the Court, if practicable, to notify said probation officer when any child is to be brought before the court; it shall be the duty of said probation officer to make investigation of such case; to be present in court to represent the interests of the child when the case is heard; to furnish to the court such information and assistance as the court or judge may require; and to take charge of any child before and after the trial as may be directed by the court or the judge. Probation officers provided for by this chapter are hereby vested with all power and authority of sheriffs, constables, and police officers to make arrests and perform other duties incident to their offices as probation officers.

Sec. 164. School Trustees to Report Delinquents. It shall be the duty of the board of trustees of each school district to report to the county school superintendent all cases of truancy, delinquency, and incorrigibility which arise within their respective districts, and such county school superintendent shall immediately report such cases to the judge of the Probate Court.

Sec. 165. Review of Orders of Probate Judge. All orders or final judgments made by any Probate Court or the Judge thereof under this chapter, may be reviewed upon questions of law only.

ARTICLE XIX.

INDUSTRIAL TRAINING SCHOOL.

GOVERNMENT OF SCHOOL.

Sec. 805. Establishment. A State Industrial Training School is hereby established at the town of St. Anthony, in Fremont County, State of Idaho, to be called the "Idaho Industrial Training School." The purpose of such school shall be the care, protection, training and education of delinquent children and to provide for the care, and control and discharge of juvenile offenders.

Sec. 806. Board of Trustees. A board of trustees is hereby created to be known as the board of trustees of the Idaho Industrial Training School, consisting of four members. All of said members shall be

appointed; two shall be men and two shall be women. No more than two shall belong to one political party, and no more than one shall be appointed from any one county, and two shall be interested in humanitarian work. Said board of trustees shall be appointed by the Governor and confirmed by the Senate for the term of four years, and until their successors are appointed and qualified; Provided: That of the first board appointed, two shall hold office for two years and two for four years, and the Governor and State Superintendent of Public Instruction shall be ex-officio members of the board of trustees. It shall be the duty of the Governor to fill by appointment all vacancies that may from any cause occur in the board of trustees; Provided: That he shall appoint the new member from the political party of the retiring member.

Before entering upon the discharge of the duties of their respective offices, each member shall take and subscribe an oath, or affirmation, that he or she will support the Constitution of the United States and the Constitution of the State of Idaho, and will faithfully discharge the duties of said office, which oath or affirmation shall be filed with the Secretary of State.

Sec. 807. Proceedings of Board. The said board of trustees shall conduct its proceedings in such a manner as will best conduce to the proper dispatch of business. A majority of the board of trustees shall constitute a quorum for the transaction of business, but a smaller number may adjourn from time to time. No member of said board of trustees shall participate in any proceedings in which he or she has a personal or pecuniary interest. Every vote and official act of said board of trustees shall be entered on record.

Said board of trustees shall have an official seal, which shall be judicially noticed. Said board of trustees may sue and be sued, and may take, in the name of the State, and hold in trust for the school, any and all money, real estate or personal property that may be bequeathed to said school.

Sec. 808. Officers of Board. At their first meeting and biennially thereafter, the said board of trustees shall elect a president and secretary. The State Treasurer shall be ex-officio treasurer of said board of trustees. It shall be the duty of the secretary of said board to keep an exact and detailed account of the doings of said board and an itemized account of all expenditures by said board.

Sec. 809. General Powers of Board. The said board of trustees are hereby authorized, and it is made their duty, to take and at all times to have general supervision and control of all buildings to be constructed. They shall have power to let contracts for the erection of all buildings, and also the entire supervision of their construction. All buildings for housing the pupils shall be on "Cottage plan." For the better grading of inmates, each cottage shall accommodate not more than twenty-five persons.

Sec. 810. Meetings of Board. Said board of trustees shall hold two meetings at said school, annually, but special meetings may be called by the president of the board, by sending written notices of at least ten days to each member. The actual and necessary personal expenses for mileage and board incurred by the members of said board of trustees in carrying out the provisions of this chapter, shall be paid, on proper certificates, out of any funds belonging to said school in the hands of the treasurer.

Sec. 811. Control of Funds. All funds appropriated for the use

and benefit of said school from every source, including the available interest arising from investment of the proceeds of the sale of lands set apart as hereinafter provided for, shall be under the control and direction of said board of trustees, subject to the provisions herein contained. The treasurer of the board of trustees shall pay out of such funds all orders or drafts for money to be expended under provisions of this chapter. Such orders or drafts shall be drawn by the State Auditor upon certificates of the secretary, countersigned by the president of the board of trustees, and shall be approved by the State Board of Examiners. No such certificates shall be given except on accounts audited and allowed by said board of trustees.

Sec. 812. Appointment and Removal of Superintendent. The board of trustees shall appoint a superintendent who shall be especially fitted for the position, and shall be a person experienced in such work as is intended to be carried on in this school. He shall be retained as long as his work is bringing good results, irrespective of political affiliations. The superintendent shall, before entering upon the duties of his office, give a good and sufficient bond, to be approved by the board of trustees, conditioned for the faithful discharge of his duties. The superintendent may be removed by the board of trustees for neglect of duty, improper conduct, malfeasance in office, incompetency, or whenever the interests of the school shall be best subserved thereby. The board of trustees shall, on recommendation of the superintendent, appoint an assistant superintendent, who may be removed by the superintendent.

Sec. 813. Appointment and Qualifications of Teachers. All officers, teachers and employes shall be appointed by the superintendent, by and with the advice and consent of the board of trustees; and such officers, teachers and employes may be removed by the superintendent whenever the interests of the school will be best subserved thereby. All teachers, except specialists, shall hold first-class certificates from the State Superintendent of Public Instruction. Specialists shall hold diplomas from some accredited school in their speciality.

Sec. 814. Trustees to Prescribe Regulations and Fix Salaries. The superintendent shall conduct the said school under rules, and regulations prescribed by the board of trustees, and said board of trustees shall fix the salaries of all officers and teachers, and the wages of all employes.

Sec. 815. Reports of Superintendent. The superintendent shall, at the close of each month, present to the board of trustees a written report, showing the general condition of the school, the number of inmates in attendance, the number of tickets of leave granted and such other information, together with such suggestions and recommendations, as may be to the best interests of the school. He shall have charge of all property belonging to the school, and shall keep an account of all monthly expenditures, and the receipts shall be certified to the president of the board with the social condition of each inmate at the time of committal.

Sec. 816. Religious Services. The superintendent shall provide for the holding of religious services on the Sabbath day for the inmates of said school, but no sectarian views shall control the services.

Sec. 817. State Superintendent to Prescribe Studies. The State Superintendent of Public Instruction shall prepare courses of study for all grades in the school.

Sec. 818. **School Constitutes an Independent District.** The said school with all appurtenances thereto shall be and it is hereby declared to be, an independent school district, and it shall not be taxed for other school purposes.

Sec. 819. **Reports to Governor.** The president and secretary of the board of trustees shall, on the first day of January and July of each year, transmit to the Governor of the State a full written report of the doings of said board of trustees, the progress and condition of said school, together with a full report of the expenditures and receipts for the previous six months, setting forth each item in full with the date thereof, and such recommendations as they deem proper for the good of the school. They shall submit, on the first day of December of each biennial year, a printed report of all proceedings for the last biennial period. Provided: Failure to file a printed report as required shall mean forfeiture of bond.

Sec. 820. **School to Be Non-Sectarian.** The board of trustees, in their regulations, and the superintendent and assistants, shall exercise a watchful guardianship over the morals of the pupils at all times during their attendance upon the same, but no religious or sectarian test shall be applied in the selection of teachers, and none shall be adopted in the school.

Sec. 821. **Land to Be Set Aside for School.** The State Board of Land Commissioners are hereby directed, and it is made their duty, to set aside forty thousand acres of land granted to the State of Idaho by the act of Congress entitled "An act to provide for the admission of the State of Idaho into the Union," approved July 3rd, 1890, for other State charitable, educational or penal and reformatory purposes, for the exclusive use and benefit of said school. Said lands shall be held and disposed of, and the proceeds thereof used and applied, for the benefit of said school, subject to the provisions of said admission act and the Constitution of the State of Idaho, and, so far as may be practicable, in conformity with the established procedure of holding, disposing of and applying the proceeds of lands granted to the common schools of the State of Idaho. The State Board of Land Commissioners are directed to set aside forty thousand acres of land, if selected, and if not selected, to use the utmost dispatch in selecting and setting aside the same. The State Board of Land Commissioners are hereby directed to provide separate record books, in proper form, to be known as "Idaho Industrial Training School Records," in which shall be kept all records of matters relating to said lands.

Sec. 822. **Courses of Study.** All juveniles sent to the Idaho Industrial Training School shall be taught the common school branches, as taught in the common schools of Idaho, together with such industrial and manual training in the boys' department, and domestic sciences in the girls' department, that the boys and girls shall be able to earn a living after being discharged therefrom.

COMMENT.

The last report of the Superintendent of this school shows that there were two hundred and nine inmates, 70 per cent of these children were between the ages of thirteen and eighteen

years, or high school age. Twenty-four were committed because of parental neglect, forty-one for incorrigibility and forty-two for juvenile delinquency. The other 49 per cent. were committed for various offenses but few of which might be considered serious, and only one of the two hundred and nine was classed as a juvenile disorderly person.

Object—"The work of the Industrial Training School is to teach children the rules of this great game of life, that the playing of the game fairly and well, insures to them the greatest possible success. Teaching a boy to make a suit of clothes; to lay a brick wall; to till the soil scientifically; teaching a girl to play a violin; to make a pot roast; to understand thoroughly domestic science; is the work of the school, but not the only work nor by any means the principal work.

Religious Instruction—All boys and girls are required to attend chapel services, consisting of Sunday school at 10 A.M., conducted by the superintendent and assisted by the teachers of the school; and the general service at 3:00 P.M. in which the pastors of the various churches in St. Anthony speak to the pupils.

The pupils take a very prominent part in these services, reciting psalms and other portions of scripture, singing hymns, solos and quartets. The orchestra plays various selections, making the services entertaining as well as profitable. The several families each evening devote a short time to religious instruction, study the Sunday school lessons, committing portions of scripture, singing songs, etc.

All religious instruction is entirely free from sectarianism; children are taught that right thought and action brings its own reward; that all punishment, sorrow and suffering is the result of sin." Report of the Superintendent.

ARTICLE XX.

PUBLIC LIBRARIES

Section 177. **Cities May Establish Libraries.** The common council of every city and of every village of the State of Idaho shall have power to establish a public library and reading room, and for such purpose may annually levy, and cause to be collected, as other taxes are, a tax not exceeding one (1) mill on the Dollar of the taxable

property of such city or village, to constitute a library fund which shall be kept by the treasurer separate and apart from other moneys of the city or village, and be used exclusively for the purchase of books, periodicals, necessary furniture and fixtures, and whatever is required for the maintenance of such library and reading room.

Sec. 178. School District Libraries; Election. The trustees of a school district in which is situated no incorporated town or village, on the petition of twenty (20) electors thereof, shall upon four (4) weeks' notice published in some newspaper of general circulation published in the county wherein such district is situated, submit to the electors thereof, at the first election held therein for the purpose of electing a member or members of the board of trustees, following the publication of the said notice, the question whether there shall be a public library established in such school district for the use and benefit of the citizens thereof. Those voting at such election in favor of such library shall put upon their ballots the words, "Public Library—Yes," and those voting thereat against such library the words, "Public Library—No." If a majority of the electors voting at such election shall vote in favor thereof, the trustees aforesaid have authority, annually, to levy upon all the taxable property in such school district a tax not exceeding one (1) mill on the Dollar valuation thereof, to be applied to the establishment and maintenance of a library as aforesaid, and the procuring of suitable rooms for the same. All boards of school trustees, acting under the provisions of this section, shall perform the same duties required of, and have the same power and authority granted to, the common council of a city or a village by the provisions of this chapter under like conditions, and the treasurer of such board of trustees shall perform the duties of treasurer for the public library.

Sec. 179. Directors of Library. For the government of such library and reading room there shall be a board of five (5) directors appointed by the council of such city or village from among the citizens thereof at large, and not more than one (1) member of the council of such city or village shall, at any time, be a member of said board. Such directors shall hold their office for three (3) years from the date of appointment, and until their successors are appointed, but upon their first appointment they shall divide themselves at their first meeting, by lot, into three (3) classes: Two (2) members shall form the first class and shall serve for one (1) year from the date of appointment; two members shall form the second class and shall serve for two (2) years from the date of appointment; and one (1) member shall form the third class and shall serve for three (3) years from the date of appointment. All vacancies shall be immediately reported to the proper council by the directors, and shall be filled by appointment in the same manner as appointments are originally made. Appointments to complete an unexpired term shall be for the residue of the term only. No compensation shall be paid or allowed to any director in any manner whatsoever.

Sec. 180. Organization and Powers of Directors. Said directors shall, immediately after their appointment, meet and organize by the election of one (1) of their number president, and by the election of such other officers as they may deem necessary. They shall make and adopt such by-laws, rules, and regulations for their own guidance and for the government of the library and reading room as may be expedient. They shall have the exclusive control of the expenditure of all moneys collected for the library fund, and the supervision,

care, and custody of the room or buildings constructed, leased, or set apart for that purpose; and such money shall be drawn from the treasury by the proper officers, upon properly authenticated vouchers of the board of directors, without otherwise being audited. They may, with the approval of the common council, lease and occupy, or purchase or erect on purchased ground, an appropriate building; Provided: That not more than one-half (1-2) of the income in any one (1) year can be set apart in said year for such purchase or building. They may appoint a librarian and assistants, and prescribe rules for their conduct.

Sec. 181. Libraries to Be Free. Every library and reading room established under this chapter shall be forever free for the use of the inhabitants of the city, village, or school district where located, always subject to such reasonable rules and regulations as the library board may find necessary to adopt and publish in order to render the use of the library and reading room of the greatest benefit to the greatest number, and they may exclude and cut off from the use of said library and reading room any and all persons who shall wilfully violate such rules.

Sec. 182. Report of Directors. The said board of directors shall make an annual itemized report to the State Library Commission on June Thirtieth of each year, stating the condition of their trust, the various sums of money received from the library fund and from all sources, and how much has been expended, the number of books and periodicals on hand, and the number added by purchase, gift, or otherwise during the year, the number lost or missing, the number of books loaned out, and the general character of such books, with such other statistics, information, and suggestions as they may deem of general interest, and the State Library Commission may require.

Sec. 183. Donations to Library. All persons desirous of making donations of money, personal property, or real estate for the benefit of such library shall have the right to vest the title to the same in the board of directors created under this chapter, to be held and controlled by said Board, when accepted according to the terms of the deed or gift, devise, or bequest of such property; and as to such property the said Board shall be held and considered to be the special trustees.

Sec. 184. Taxes for Existing Libraries; Definitions. In case a free subscription library has been established in any city or incorporated village, and duly incorporated and organized, the council may levy a tax for its support, as provided in this Chapter, without change in the organization of such library association; Provided, It becomes a free library. The sums so raised shall be duly paid to the officer duly authorized to receive the same, and shall be under the control of said library association; Provided; That if at any time the said library association ceases to exist, or for any reason fails to provide a free circulating library as required by the provisions of this Chapter the books and other property accumulated from the proceeds of the levy herein authorized shall become the property of the city or village, and be subject to the control of the council as herein provided.

In this Chapter, unless the context otherwise requires, "library" includes libraries with branches, loans, reference, traveling and reading rooms, departments, lectures and museums; "city" includes towns and villages; "council" means the legislative body of an incorporated city, town, or village; "mayor" means the chief executive officer of an incorporated city, town, or village.

STATE LIBRARY COMMISSION.

Section 174. **Constitution of Commission.** The Attorney General, Secretary of State, State Superintendent of Public Instruction, and the President of the State University ex-officio, are hereby constituted a State Library Commission, of which the Attorney General shall be chairman, and the State Superintendent of Public Instruction secretary.

Sec. 175. **Management of Traveling Library.** Said commission shall have the management of the traveling library or libraries belonging to the State, and shall make such rules governing the use of the same, and of the books and properly pertaining thereto, as it may deem necessary. Said commission shall cause said books to be distributed throughout the State, and at suitable intervals change such distribution in such manner as to secure the use and enjoyment of said books to the people of the State. The Commission shall have power to employ a qualified librarian whose duties shall be defined by the said commission. It shall co-operate with the management of public schools and other free libraries within the State, and adopt such means as shall promote their establishment. Said commission may receive donations of money, books, or other property, real or personal, for the benefit of such traveling library or libraries, the title to which property shall rest in the State of Idaho, to be held and controlled by said commission. Said commission shall report annually to the Governor, with such recommendations as it may deem proper.

Sec. 176. **Accounts of Commission.** The secretary of said commission shall keep a full report of the proceedings of said commission, and accurate accounts of expenses incurred by it in carrying out the provisions of this chapter. The chairman of said commission may issue certificates, countersigned by the secretary, for all claims against said commission, incurred in the management of said traveling library or libraries, and in carrying out the objects of this chapter, which claims, when approved by the Board of Examiners, shall be paid by warrants drawn upon the fund in the State Treasury provided for such purpose.

COMMENT.

LIBRARIES.

City.—The Council of every Village and City of the State has the power to establish a public library, appoint a board of five directors for its management, and levy annually a tax of one mill on all taxable property for its maintenance. (Sec. 177-179).

The directors elect a librarian procure a building, superintend the purchase of books, exercise exclusive control over all money and property belonging to the library. (Sec. 180).

School District.—Upon the petition of twenty electors of the district, and the publication for four weeks in some county newspaper, the trustees may submit the question of establishing



STATE UNIVERSITY, MOSCOW, IDAHO. ADMINISTRATION BUILDING.

a library to the qualified electors. If a majority of those acting are in favor of it, the trustees establish the library; they, themselves, acting as its directors and executing all the authority and power granted the common council of a City or Village. (Sec. 178).

SCHOOL DISTRICT FOR THE SCHOOL.

Regular District. The school laws make no provision for the establishment of a library for the school but take it for granted and make it mandatory on the trustees of every district other than the independent, to spend annually at least three per cent of all money appropriated to any district for the maintenance of a school library. Twenty-five per cent. of the school fund of any district may be expended for furniture, apparatus, janitor service, etc., but any of this amount not so used, may be applied to the library. (Sec. 58).

Independent District.—The amount spent for library purposes in Independent Districts is left to the option of the Board of Trustees. (Sec. 129).

Rural High Schools.—The library is not specifically mentioned in the act creating Rural High Schools, but the law prescribes that the trustees of these schools may build and furnish school houses. And no school is properly furnished until it has a library, so it would seem that the board should at least exercise as much implied power as is made compulsory in the case of the trustees of the ordinary school districts. This requires three per cent. and allows as much as twenty-five per cent. or so much as is not used for other required purposes. (Sec. 137).

Free Traveling Library.—It was created in 1903, the legislature voted, an appropriation of \$1500 per year for expenses and \$1000 for the purchase of books. Since that time biennial appropriations have been made for this purpose.

Practically any locality in the State may have the use of this free traveling library. A certain number of citizens and tax payers make application to the Library Commission that their town or district be made a station and they agree to be responsible for the books. They appoint someone to act as their librarian. A case of about one hundred books is sent

them which they are allowed to keep for four months. At the end of this time, their case of books is sent to another station and they receive a new one.

State Institutions.—Each of the educational institutions of the State maintains a library which is for the use of the students and the faculty. It is supported just as any other department of the institution, by appropriations and funds created for that purpose.

The State.—This library is located in the Capital Building at Boise and is a depository for all State publications of every kind, as well as those obtained from other States and the National Government.

The librarian is appointed by the Governor, and the library is maintained by biennial appropriations.

Supreme Court.—A branch (each) of this library, is located at Boise and Lewiston. These libraries are depositories of all legislative enactments and judicial decisions of this Territory and State as well as those of other States and the National Government.

These libraries are of interest chiefly to the attorneys and judges of the State and are in charge of librarians appointed by the Supreme Court and maintained by biennial appropriations.

THE STATE HISTORICAL SOCIETY.

This Institution was created by a legislative act of 1907. It has rooms at the Capital Building at Boise, and performs the dual functions of State Library and Museum.

Management.—The only restraint placed on any of these libraries, is, that they must be free to all who observe the rules and regulations in regard to their use. Aside from this, each library is in the immediate charge of the local Board, which controls it.

The Board of Directors has control of the City Library. The State Library Commission, which is composed of the Attorney General, who is chairman of the Board, the State School Superintendent, who is the Secretary, and the President of the State University, constitutes a Commission, which man-

ages the Free Traveling Library; while the Teachers during term time, and the clerks during vacations, are custodians of the libraries of their schools, and act in accordance with rules made by the various Boards of Trustees.

ARTICLE XXI.

STATE INSTITUTIONS.

STATE UNIVERSITY.

Section 485. **University Established.** There is hereby established in this State, at the town of Moscow, in the County of Latah, an institution of learning, by the name and style of "The University of Idaho."

Sec. 486. **Board of Regents.** The government of the University shall vest in a board of regents, to consist of five members chosen from the State at large, which board the Governor shall nominate, and, with the advice and consent of the Senate, appoint. The said board shall be non-partisan; no more than three of the members shall be of the same political party. The terms of office of said regents shall be six years from the first Monday in February in the year in which appointed. Two members shall be appointed each odd numbered year; Provided, That the present members of said board shall hold office for the remainder of their respective terms. The Governor shall have power to fill vacancies in the board by appointment, which appointment shall be valid until the last day of the regular session of the Legislature following such appointment.

Sec. 487. **Executive Committee of Board.** The president and secretary ex-officio, and one member of the board to be appointed by the president thereof, shall constitute an executive committee of said board, whose duties shall be prescribed by the by-laws of the board.

Sec. 488. **General Duties of the Board.** The board of regents and their successors in office, shall constitute a body corporate, by the name of "The Regents of the University of Idaho," and shall possess all the powers necessary or convenient to accomplish the objects and perform the duties prescribed by law, and shall have the custody of the books, records, buildings and other property of said University. The board shall elect a president, secretary and treasurer, who shall perform such duties as shall be prescribed by the by-laws of the board. The secretary shall keep a faithful record of all the transactions of the board and of the executive committee thereof. The treasurer shall perform all the duties of such office, subject to such regulations as the board may adopt, and for the faithful discharge of all his duties shall execute a bond in such sum as the board may direct.

Sec. 489. **Meetings of Board.** The time of the election of the president, secretary and treasurer of said board, and the duration of their respective terms of office and the times for holding the regular annual meeting and such other meetings as may be required, and the manner of notifying the same, shall be determined by the by-

laws of the board. A majority of the board shall constitute a quorum for the transaction of business, but a less number may adjourn from time to time.

Sec. 490. Powers of Board; Sectarian Tests Prohibited. The board of regents shall enact laws for the government of the University in all its branches, elect a president and the requisite number of professors, instructors, officers and employes, and fix the salaries and the term of office of each, and determine the moral and education qualifications of the applicants for admission to the various courses of instruction; but no instruction either sectarian in religion or partisan in politics shall ever be allowed in any department of the University, and no sectarian or partisan test shall ever be allowed or exercised in the appointment of regents or in the election of professors, teachers, or other officers of the University, or in the admission of students thereto, or for any purpose whatever. The board of regents shall have power to remove the president or any professor, instructor or officer of the University, when, in their judgment, the interests of the University require it. The board may prescribe rules and regulations for the management of the libraries, cabinet, museum, laboratories and all other property of the University and of its several departments, and for the care and preservation thereof, with penalties and forfeitures, by way of damages for their violation, which may be sued for and collected in the name of the board before any court having jurisdiction of such action.

Sec. 491. Same; Erection of Buildings. The board of regents are authorized to expend such portion of the income of the University fund as they may deem expedient for the erection of suitable buildings and the purchase of apparatus, a library, cabinets and additions thereto.

Sec. 492. Duties of Treasurer. The treasurer of said board shall, out of any moneys in his hands belonging to said board, pay all orders drawn upon him by the president and secretary thereof, when accompanied by vouchers fully explaining the character of the expenditure, and the books and accounts of the treasurer shall at all times be opened to the inspection of the board. The treasurer shall make an annual report to the president of the board of all transactions connected with the duties of his office.

Sec. 493. Report of Regents. At the close of each fiscal year, the regents, through their president, shall make a report in detail to the Governor, exhibiting the progress, conditions and wants of the University, the courses of study, the number of professors and students, the amount of receipts and disbursements, together with the nature, costs and results of all important investigations and experiments, and such other information as they may deem important.

Sec. 494. Expenses of Regents. The regents shall receive the actual amount of their expenses in traveling to and from, and in attendance upon, all meetings of the board, or incurred in the performance of any duty in pursuance of any direction of the board. Accounts of such expenses shall be duly authenticated and audited by the board and be paid on their order by the treasurer out of any fund belonging to the University not otherwise appropriated: no regent shall receive any pay, mileage or per diem, except as above prescribed.

Sec. 495. Powers of President and Faculty. The president of the University shall be president of the faculty, or of the several faculties

as they may be hereafter established, and the executive head of the instructional force in all its departments. As such, he shall have authority, subject to the board of regents, to give general direction to the instruction and scientific investigation of the University, and so long as the interests of the institution require it, he shall be charged with the duties of one of the professorships. The immediate government of the University shall be intrusted to the faculty, but the regents shall have the power to regulate the courses of instruction, and prescribe the books or works to be used in the several courses, and also to confer such degrees and grant such diplomas as are usual in Universities, or as they shall deem appropriate, and to confer upon the faculty, by by-laws, the power to suspend or expel students for misconduct or other cause prescribed by such by-laws.

Sec. 496. Departments of University. The object of the University of Idaho shall be to provide the means of acquiring a thorough knowledge of the various branches of learning connected with scientific, industrial and professional pursuits, and to this end it shall consist of the following colleges or departments, to-wit:

1. The College or Department of Arts. . .
2. The College or Department of Letters.
3. The professional or other colleges or departments, as may from time to time be added thereto or connected therewith.

Sec. 497. Same. The college or department of arts shall embrace courses of instruction in mathematical, physical and natural science, with their application to the industrial arts, such as agriculture, mechanics, engineering, mining and metallurgy, manufactures, architecture and commerce, and such branches included in the college of letters as shall be necessary to a proper fitness of the pupils in the scientific and practical courses for their chosen pursuits; and as soon as the income of the University will allow, in such order as the wants of the public shall seem to require, the said courses in the sciences and their application to the practical arts shall be expanded into distinct colleges of the University, each with its own faculty and appropriate title. The college of letters shall be co-existent with the college of arts and shall embrace a liberal course of instruction in language, literature and philosophy, together with such courses in the college of arts as the regents of the University shall prescribe.

Sec. 498. Woman Students Admitted. The University shall be open to female as well as male students, under such regulations and restrictions as the board of regents may deem proper.

Sec. 499. Tuition Not Required. No student who shall have been a resident of the State for one year next preceding his admission shall be required to pay any fees for tuition in the University, excepting in a professional department and for extra studies. The regents may prescribe rates of tuition for any pupil in a professional department or who shall not have been a resident as aforesaid, and for teaching extra studies.

COMMENT.

The growth of state universities during the last decade has been unprecedented. The enrollment has jumped from the

hundreds to the thousands. These schools are now doing the work that was formerly done by the denominational college and a few universities like Yale, Harvard, Princeton, etc. They are sometimes spoken of as the "backbone of higher education in the United States, the schools of the middle and lower classes, going less upon advertising and more upon study." Here the student has better opportunities to mingle with professors and fellow students than he has in the great universities.

The university, when fully developed is the cap sheaf of the educational system of the state, is a collection of colleges where an opportunity is given for practically any line of work and the completion of any course of study. At present there are in the state university.

The College of Letters and Sciences.

Departments of Greek, Latin, German, French, Spanish, Italian, English, Library Science, Public Speaking, History, Political Science, Law, Philosophy, Education, Mathematics, Physics, Chemistry, Geology, Mineralogy, Biology, Bacteriology, Forestry, Music, Drawing, Domestic Economy, Physical Education and Health, Military Science and Tactics.

College of Agriculture.

Departments of Agricultural Chemistry, Agricultural Education, Agronomy, Animal Husbandry, Bacteriology, Dairying, Forestry, Horticulture, Irrigation and Drainage, Veterinary, Science.

Agricultural Experiment Station

College of Engineering

Departments of Civil, Mining, Mechanical, Electrical, Engineering, Machine Design, Shop Work

College of Law.

How Maintained.—That for the maintenance, improvements, buildings, the purchase and condemnation of property, and other expenses pertaining to the University of Idaho, there be appropriated a sum equal to three-fourths (3-4) of a Mill on the Dollar annually on the present assessed valuation of the State, and that the same be included in the general appropriation bill for this session; that a like sum equivalent to three-fourth (3-4) of a Mill on the Dollar

on the assessed valuation of the state at each recurring legislative session, on the present basis of valuing property be appropriated and included in the general appropriation bills of said sessions until this act is repealed; Provided, always: That any expenditure of Five Thousand Dollars (\$5,000) or over four said appropriation shall first receive the approval of the Governor of Idaho before it shall be made; Provided, further: That this amount be appropriated in addition to the interest funds, and in addition to funds provided by separate legislation for agricultural extensions and demonstration work of all kinds, and experimental sub-stations. Session Laws 1911, p. 450. (See table on School Lands.)

AGRICULTURAL COLLEGES AND AGRICULTURAL INSTRUCTION.

COMMENT.

It is claimed that farm lands have increased 118 per cent in value during the last decade. While this is partially due to the fact that population has increased rapidly and there is only a very limited amount of public lands for new farms, it is very largely due to improved methods of farming. The government annually send out many million pieces of printed matter to the farmer. Every state and territory has its agricultural college and practically every county its experimental station or farmers' institute and the study of agriculture is being introduced into the high schools as well as the grades.

The law of this state makes instruction in agriculture compulsory in the Rural High Schools (Sec. 137), provides for lectures on the subject in its normal schools (Secs. 213, 229), and the State School Superintendent may place it in the course of study for the public schools of the state, and its interests are everywhere furthered by the introduction of school gardens and "Country Life Movement."

How Maintained.—The National Government makes the following annual appropriations.

Morrill Fund—This began with \$30,000 in 1908 and is increased \$5,000 annually till the amount reaches the sum of \$50,000. This is expended for teaching and supplies.

Hatch Fund—This provides \$15,000 annually for experimental purposes only.

Adams Fund—Beginning with \$5,000 in 1906 the amount is increased \$2,000 annually until it reaches \$15,000. This fund is used for research work only.

LEWISTON NORMAL SCHOOL.

Section 500. **Establishment of School.** A normal school for the State of Idaho is hereby established in the City of Lewiston, in the County of Nez Perce, to be called the Lewiston State Normal School, the purpose of which shall be training and educating teachers in the art of instruction and governing in the public schools of this State, and teaching the various branches that pertain to a common school education.

Sec. 501. **Constitution of Board of Trustees.** The said Lewiston State Normal School shall be under the direction of a board of trustees to be known as "The Board of Trustees of the Lewiston State Normal School." The said board of trustees shall consist of seven members, one of whom shall be the State Superintendent of Public Instruction ex-officio. The remaining six members shall be the present trustees, who shall hold office for the term for which they were appointed in the same manner as if these Codes had not been enacted. Their successors shall be appointed for the term of six years by the Governor of the State of Idaho, by and with the advice and consent of the Senate, the terms of two of said appointed trustees expiring on the twenty-seventh day of January of every odd numbered year. The Governor shall fill by appointment all vacancies that may, from any cause, occur in said board of trustees. Before entering upon the duties of his office, each of said trustees shall take and subscribe an oath or affirmation, before some person duly authorized to administer the same, that he will support the Constitution of the United States and of the State of Idaho, and will faithfully and impartially discharge the duties of the office of trustee of the Lewiston State Normal School, which oath or affirmation shall be filed in the office of the secretary of State.

Sec. 502. **Meetings, Officers, and Proceedings of Board.** The said board of trustees may conduct its proceedings in such manner as will best conduce to the proper dispatch of business. A majority of the board of trustees shall constitute a quorum for the transaction of business, but a less number may adjourn from time to time. No member of said board of trustees shall participate in any proceeding in which he has any pecuniary interest. Every vote and official act of the said board of trustees shall be entered of record. Said board of trustees shall have an official seal, which shall be judicially noticed. Said board of trustees may sue and be sued. No vacancy in the board of trustees shall impair the right of the remaining trustees to exercise all the powers of the said board of trustees. At their first meeting, and annually thereafter, the said board of trustees shall elect from their number a president and a secretary. The State Treasurer shall be ex-officio treasurer of said board of trustees. It shall be the duty of the secretary to keep an exact and detailed account of the doings of said board, and an itemized account of all expenditure authorized by said board.

Sec. 503. **General Powers and Duties of Board.** The said board of trustees are hereby authorized, and it is made their duty, to take and at all times to have general supervision and control of all buildings and property appertaining to said Normal School; and to have general charge and control of the construction of all buildings to be built. They shall have power to let contracts for building and completion of any such buildings and the entire supervision of their construction.



VIEW SHOWING PORTION OF THE CAMPUS AND BUILDINGS,
LEWISTON STATE NORMAL, LEWISTON, IDAHO

Sec. 504. **Same: Control of Funds.** One-half of all funds appropriated for the use and benefit of normal schools in the State of Idaho, from every source, including sales of land donated by the government of the United States to the State of Idaho, for the establishment and maintenance of State normal schools, shall be under the direction and control of the said board of trustees subject to the provisions herein contained. The treasurer of the board shall pay out of such funds all orders or drafts for money to be expended under the provisions of this chapter. Such orders or drafts shall be drawn by the State Auditor on certificates of the secretary, countersigned by the president, of the said board of trustees. No such certificates shall be given except upon accounts audited and allowed by the said board; Provided, Not more than fifty thousand acres of said lands shall ever be sold for said purpose of establishing and maintaining the Lewiston State Normal School, and said board of trustees shall never use more of said funds than necessary for the purpose of carrying out the provisions of this chapter.

Sec. 505. **Meetings of Board.** The board of trustees shall hold two regular meetings annually, at the said City of Lewiston, but special meetings may be called by the president of the board by sending written notice, at least ten days before such meeting, to each member.

Sec. 506. **Election of Principal.** The board of trustees shall have power to elect a principal and all other teachers that may be deemed necessary, to fix salaries of the same and to prescribe their duties. They shall have power to remove either the principal, assistant or teachers, and appoint others in their stead.

Sec. 507. **Course of Study, Certificates and Diplomas.** It shall be the duty of the board of trustees to prescribe the course of study and the time and standard of graduation, and to issue such certificates and diplomas as may from time to time be deemed suitable. These certificates and diplomas shall entitle the holder to teach in the public schools of any county in this State for the time and in the grade specified in the certificate or diploma.

Sec. 508. **Text Books, Supplies and Apparatus.** The board of trustees shall prescribe the text books, apparatus, and furniture, and provide the same, together with all necessary stationery for the use of pupils.

Sec. 509. **Training or Model Schools.** The board of trustees shall, when deemed expedient, establish and maintain a training or model school or schools, in which the pupils of the normal school shall be required to instruct classes under the supervision and direction of experienced teachers.

Sec. 510. **Admission of Pupils.** The board of trustees shall ordain such rules and regulations for the admission of pupils to said Normal School as they shall deem necessary and proper. All classes may be admitted into the said normal school who are admitted without restriction into the public schools of the State; Provided, The applicant, if a male, must be not less than sixteen years of age, or if a female, not less than fifteen years of age. Applicants must also present letters of recommendation from the county superintendent of public instruction of the county in which they reside, certifying to their good moral character and their fitness to enter the Normal School. Before entering all applicants must sign the following declaration: "We hereby declare that our purpose in entering the Lewiston State Normal

School is to fit ourselves for the profession of teaching, and that it is our intention to engage in teaching in the public schools of this State."

Sec. 511. Same; Pupils From Other States. Pupils from other States and Territories may be admitted to all the privileges of the said Normal School, on presenting letters of recommendation from the Executive or State School Superintendent thereof, and the payment of one hundred dollars. Pupils from other states shall not be required to sign the declaration named in the foregoing section.

Sec. 512. Scientific Lectures. Lectures in chemistry, comparative anatomy, agricultural chemistry, and any other science or any other branch of literature that the board of trustees may direct, may be delivered to those attending such school, in such manner and on such conditions as the board of trustees may prescribe.

Sec. 513. Expenses of Trustees. The actual and necessary personal expenses incurred by the members of the board of trustees, in carrying out the provisions of this chapter, shall be paid, on the proper certificate, out of any funds belonging to said Normal School in the hands of the treasurer.

Sec. 514. Government of School and Pupils. The board of trustees, in their regulations, and the principal and assistants in their supervision and government of the said school, shall exercise a watchful guardianship over the morals of the pupils at all times during their attendance upon the same, but no religious or sectarian tests shall be applied in the selection of teachers, and none shall be adopted in said school.

Sec. 515. Report of Trustees. The president and secretary of the board of trustees shall, on or before the first day of December of each year, transmit to the Governor of the State, a full report of the doings of the said board of trustees, the progress and condition of the said Normal School, together with a full report of the expenditures of the same for the previous year, setting forth each item in full, and the date thereof, and such recommendations as they deem proper for the good of said Normal School.

ALBION NORMAL SCHOOL.

Section 516. Establishment of School. A Normal School for the State of Idaho is hereby established at or near the Town of Albion, in the County of Cassia to be called the Albion State Normal School, the purpose of which will be training and educating teachers in the art of instruction and governing in the public schools of the State, and teaching the various branches that pertain to a good common school education.

Sec. 517. Constitution of Board of Trustees. The Albion State Normal School shall be under the direction of non-partisan board of trustees, consisting of six members—exclusive of the State Superintendent of Public Instruction, who is ex-officio a member of said board—no more than four of whom shall be of the same political party. Said board shall be known as the "Board of Trustees of the Albion State Normal School." The board of trustees as at present constituted shall continue to hold office during the respective terms of the members thereof, and their successors shall be appointed for the term of six years from and after the fifth day of March, by the Governor of the State of Idaho, by and with the advice and consent of the Senate, and in such a manner that two trustees shall be appointed each odd numbered year. It shall be the duty of the Governor to fill,

by appointment, all vacancies that may from any cause occur in said board of trustees. Before entering upon the duties of their office, each of the trustees provided for in this chapter shall take and subscribe an oath or affirmation that he will support the Constitution of the United States, and the Constitution and Laws of the State of Idaho, and will faithfully and impartially discharge the duties of said office, which oath or affirmation shall be filed in the office of the secretary of State.

Sec. 518. **Title to Property.** All the rights, powers, duties, and title to real estate or personal property belonging to or vested in said Normal School are hereby vested in the trustees of said school herein provided for.

Sec. 519. **Proceedings of Board.** The said board of trustees may conduct its proceedings in such manner as will best conduce to the proper dispatch of business. A majority of the board of trustees shall constitute a quorum for the transaction of business, but a less number may adjourn from time to time. No member of said board of trustees shall participate in any proceeding in which he has any pecuniary interest. Every vote and official act of the said board of trustees shall be entered of record. Said board of trustees shall have an official seal, which shall be judicially noticed. Said board of trustees may sue and be sued. No vacancy in the board of trustees shall impair the right of the remaining trustees to exercise all the powers of the said board of trustees. At their first meeting, and annually thereafter, the said board of trustees shall elect from their number a president and secretary. The State Treasurer shall be ex-officio treasurer of said board of trustees. It shall be the duty of the secretary to keep an exact and detailed account of the doings of said board, and an itemized account of all expenditures authorized by said board.

Sec. 520. **Control of Buildings.** The said board of trustees are hereby authorized, and it is made their duty, to take and at all times to have general supervision and control of all buildings and property appertaining to said Normal School, and to have general charge and control of the construction of all buildings to be built. They shall have power to let contracts for building and completion of any such buildings, and the entire supervision of their construction.

Sec. 521. **Control of Funds.** All funds appropriated for the use and benefit of said Normal School, from every source, including the prorata share of the available proceeds of sales of lands granted by the Government of the United States to the State of Idaho for the establishment and maintenance of State Normal Schools, due to said Normal School, shall be under the direction and control of the said board of trustees subject to the provisions herein contained. The treasurer of the board of trustees shall pay out of such funds all orders or drafts for money to be expended under the provisions of this chapter. Such orders or drafts shall be drawn by the State Auditor on certificates of the secretary, countersigned by the president of said board of trustees and approved by the State Board of Examiners. No such certificates shall be given except on accounts audited and allowed by said board of trustees.

Sec. 522. **Meetings of Board.** The board of trustees shall hold two regular meetings annually, at the said Town of Albion, but special meetings may be called by the president of the board by sending written notice of at least ten days to each member.

Sec. 523. **Election and Removal of Principal and Teachers.** The board of trustees shall have power to elect a principal and all other teachers that may be deemed necessary, to fix the salaries of the same and to prescribe their duties. They shall have power to remove either the principal, assistant, or teachers, and appoint others in their stead.

Sec. 524. **Course of Study. Certificates and Diplomas.** It shall be the duty of the board of trustees to prescribe the course of study, and the time, and standard, of graduation, and to issue such certificates and diplomas as may from time to time be deemed suitable. These certificates and diplomas shall entitle the holders to teach in the public schools in any county in this State for the time and in the grade specified in the certificate or diploma.

Sec. 525. **Text Books, Apparatus and Furniture.** The board of trustees shall prescribe the text books, apparatus, and furniture, and provide the same, together with all necessary stationery for the use of pupils.

Sec. 526. **Training or Model Schools.** The board of trustees shall, when deemed expedient, establish and maintain a training or model school or schools in which the pupils of the Normal School shall be required to instruct classes, under the supervision and direction of experienced teachers.

Sec. 527. **Admission of Pupils.** The board of trustees shall ordain such rules and regulations for the admission of pupils to said Normal School as they shall deem necessary and proper. All classes may be admitted into the said Normal School who are admitted without restriction into the public schools of the State; Provided, The applicant, if a male, must be not less than sixteen years of age, or if a female, not less than fifteen years of age. Applicants must also present letters of recommendation from the county superintendent of public instruction, of the county in which they reside, certifying to their good moral character and their fitness to enter the Normal School. Before entering, all applicants must sign the following declaration: "We hereby declare that our purpose in entering the Albion State Normal School is to fit ourselves for the profession of teaching, and that it is our intention to engage in teaching in the public schools of this State."

Sec. 528. **Same: Pupils From Other States.** Pupils from other States and Territories may be admitted to all the privileges of said Normal School on presenting letters of recommendation from the Executive, or State School Superintendent thereof, and paying such tuition fee as the board of trustees may prescribe. Each of such pupils must sign the following declaration: "I hereby declare that my purpose in entering the Albion State Normal School is to fit myself for the profession of teaching."

Sec. 529. **Lecture Courses.** Lectures in chemistry, comparative anatomy, the mechanical arts, agricultural chemistry, and any other science, or any other branch of literature that the board of trustees may direct, may be delivered to those attending such school, in such manner and on such conditions as the board of trustees may prescribe.

Sec. 530. **Expenses of Board.** The actual and necessary personal expenses incurred by the members of said board of trustees in carrying out the provisions of this chapter shall be paid on the proper certificate out of any funds belonging to said Normal School, in the hands of the treasurer.



IDAHO INDUSTRIAL TRAINING SCHOOL, ST. ANTHONY, IDAHO.

Sec. 531. **Report to Governor.** The president and secretary of the said board trustee shall, on the first days of January and July of each year, transmit to the Governor of the State a full report of the doings of the said board of trustees and the progress and condition of the said Normal School, together with a full report of the expenditures of the same for the previous six months, setting forth each item in full, and the date thereof, and such recommendations as they deem proper for the good of said Normal School.

Sec. 532. **Supervision of Pupils.** The board of trustees in their regulations, and the principal and assistant in their supervision and government of the said school, shall exercise a watchful guardianship over the morals of the pupils at all times during their attendance upon the same, but no religious or sectarian test shall be applied in the selection of teachers, and none shall be adopted in the said school.

COMMENT.

There are in the United States approximately 180 normal schools supported by the state, 100 private normals, 272 high schools giving a certain amount of normal instruction, 50 city schools with training departments, and 230 universities with departments of education, yet it is a deplorable fact that a large part of the teaching done in the grades of the public schools is being done by teachers who have had little or no training for their work.

Idaho by its new code of school laws will, within the next few years, practically eliminate the untrained teacher, and this justly, as the normals, the summer normals and the department of education in the state university afford him abundant opportunities to fit himself for his work.

According to law the normal schools of this state have but one purpose and that is the training and educating teachers in the art of instruction and governing in the public schools of this state, and teaching the various branches that pertain to a common school education.

They were incorporated a decade and a half ago and for years were little more than local high schools, while today in equipment, teaching force and character of the work done they rank with the best normals found in the United States and their graduates are accepted without examination everywhere that any other normal graduates are.

The trustees of these schools are authorized by law to issue

such certificates and diplomas as may from time to time be deemed suitable.

Lewiston Normal—How Maintained.—That for the maintenance, equipment and improvements, buildings, the purchase and condemnation of property and other expenses pertaining to the Lewiston State Normal School, there be appropriated a sum equal to three-fifths (3-5) of a Mill on the Dollar annually on the present assessed valuation of the State and that the same be included in the general appropriation bill for this session; that a like sum equivalent to three-fifths (3-5) of a Mill on the Dollar on the assessed valuation of the State at each recurring legislative session on the present basis of valuing property, be appropriated and included in the general appropriation bills of said sessions until this Act is repealed; Provided, always: That any expenditure of Five Thousand Dollars (\$5,000) or over, from said appropriation shall first receive the approval of the Governor of Idaho before it shall be made; Provided, further: That the amount be appropriated in addition to the interest funds and in addition to funds provided by separate legislation for any purpose of said Lewiston State Normal School. Session Laws 1911, p. 438. (See Table on School Lands.)

Albion Normal—How Maintained.—That for the maintenance, equipment, improvements, buildings, the purchase and condemnation of property, and other expenses pertaining to the Albion State Normal School, there be appropriated a sum equal to one-half (1-2) of a Mill on the Dollar, annually, on the present assessed valuation of the State, and that the same be included in the general appropriation bill for this session; that a like sum equivalent to one-half (1-2) of a Mill on the Dollar on the assessed valuation of the state at each recurring legislative session on the present basis of valuing property, be appropriated and included in the general appropriation bills of said sessions until this Act is repealed; Provided, always: That any expenditure of Five Thousand Dollars (\$5,000) or over, from said appropriation shall first receive the approval of the Governor of Idaho before it shall be made; Provided, further: That this amount be appropriated in addition to the interest funds. Session Laws 1911, p. 84. (See Table on School Lands.)

SUMMER NORMAL SCHOOLS.

Section 112. **Commission of Summer Normal Schools.** A commission of summer normal schools is hereby created, consisting of the State Superintendent, the principal of the Lewiston State Normal School, and the principal of the Albion State Normal School, which commission is hereby authorized to establish three (3) summer normal schools. One of which said schools shall be held in Pocatello, one in Boise, and one either in Coeur d'Alene or in Sandpoint, Idaho, as may be determined by the commission, and at such places in said cities as said commission shall select.

Sec. 113. **Meetings and Officers of Commission.** Said commission shall hold at least two (2) regular meetings annually, the first week in February and the first week in October, the place to be designated by the Superintendent of Public Instruction, who shall act as chairman of the commission. Special meetings may be called by the chairman or by request of a majority of the commission. The commission shall elect a secretary from their own number at their first regular meeting.

Sec. 114. **Courses of Study.** Said commission shall determine the courses of study, fix the credit students shall receive for work performed in said schools, and engage a principal and assistant instructors for each of said schools, but no member of the commission shall be eligible to such appointment. Only such instructors shall be engaged as are qualified to give professional training in the subjects which they shall be employed to teach.

Sec. 115. **Minutes and Report.** The secretary shall keep an accurate record of all business transacted by the commission; keep on file in the office of the Superintendent of Public Instruction, a duplicate itemized bill of all claims allowed, and make a full and complete report to the State Board of Education on the first day of November of each year, showing items allowed and paid from the "Summer Normal School Fund."

Sec. 116. **Annual Term of Schools.** The length of the annual term in each of said schools shall not be less than six (6) weeks, the date of opening to be fixed by the Commission of Summer Normal Schools.

Sec. 117. **Who May Receive Instruction.** Any person may receive instruction in said schools who is a teacher, or expects to become a teacher, in the State of Idaho, or any other person desiring such instruction, by paying an enrollment fee of not less than One Dollar (\$1.00), and otherwise complying with the regulations of the school.

Sec. 118. **Summer Normal School Fund.** All funds appropriated by the State for the maintenance of summer normal schools, together with enrollment fees, shall constitute a fund known as the "Summer Normal School Fund." Said commission is authorized to expend, in accordance with law, for the maintenance of each of said schools, not to exceed One Thousand Hundred Dollars (\$1,500) per annum of the money appropriated by the State.

Sec. 119. **Commission May Discontinue School.** In case the annual enrollment of any one of said schools shall be less than fifty (50), said commission may discontinue said school.

Sec. 120. **Superintendent to Visit Schools.** It shall be the duty of the Superintendent of Public Instruction to visit each of said schools annually and inspect the work done.

Sec. 121. **Use of Buildings to Be Free.** No part of the money appropriated by the State for the support of said schools shall be used for the payment of rent, or for the use of any of the buildings in which said schools may be held. The use of said buildings shall be furnished free by the locality where said schools are held.

COMMENT.

Many teachers who hold good positions, feel the necessity of additional training for their work yet they do not feel justified in resigning and taking a regular course in a professional school. Others may hold second or third grade certificates which they desire renewed or they may desire a certificate of a higher grade, still others wish credits, they may

use in the state institutions. For all these as well as any others who desire professional instruction the Summer Normals provide.

ACADEMY OF IDAHO.

Section 545. Establishment of Academy. A school which shall be called the Academy of Idaho, is hereby established at the City of Pocatello, Idaho, the purpose of which shall be the teaching of all branches commonly taught in academies, including also the various studies pertaining to a good common school education, and such special courses as are usually taught in business college.

Sec. 546. Board of Trustees. Constitution. A non-partisan board of trustees to be known as the "Board of Trustees of the Academy of Idaho," consisting of six members, no more than three of whom shall be of the same political party, is hereby created for the management and control of said Academy. Said trustees shall be appointed by the Governor by and with the advice and consent of the Senate for terms of six years, and until their successors are appointed and qualified: Provided, That two members of said board shall be appointed each odd numbered year, and the present trustees shall hold office to the expiration of the terms for which they were appointed, in the same manner as if these Codes had not been enacted. It shall be the duty of the Governor to fill by appointment all vacancies that may from any cause occur in the board of trustees. Before entering upon the duties of their office, each of said trustees shall take and subscribe an oath or affirmation that he will support the Constitution of the United States, and the Constitution and laws of the State of Idaho, and will faithfully and impartially discharge the duties of said office, which oath, or affirmation shall be filed in the office of the Secretary of State.

Sec. 547. Same: Title to Property. All rights in and title to real estate or personal property belonging to or vested in said Academy are hereby vested in said board of trustees.

Sec. 548. Same: Proceedings of Board. The said board of trustees may conduct its proceedings in such manner as will best conduce to the proper dispatch of business. A majority of the board of trustees shall constitute a quorum for the transaction of business, but a smaller number may adjourn from time to time. No member of said board of trustees shall participate in any proceedings in which he has any pecuniary interest. Every vote and official act of said board of trustees shall be entered of record. Said board of trustees shall have an official seal which shall be judicially noticed. Said board of trustees may sue and be sued. No vacancy in the board of trustees shall impair the right of the remaining trustees to exercise all the powers of said board of trustees. At their first meeting and annually thereafter, the said board shall elect from their number a president and a secretary. The State Treasurer shall be ex-officio treasurer of said board of trustees. It shall be the duty of the secretary to keep an exact and detailed account of the doings of said board, and an itemized account of all the expenditures authorized by said board.

Sec. 549. Control of Board Over Buildings. The said board of trustees are hereby authorized, and it is made their duty, to take and at all times to have general supervision and control of all buildings

and property appertaining to said Academy, and to have general charge and control of the construction of all buildings to be built. They shall have power to let contracts for building any such buildings, and also the entire supervision of their construction.

Sec. 550. Appropriation of Lands to Academy. Forty thousand acres of the lands granted to the State of Idaho by an act of Congress, entitled "An act to provide for the admission of the State of Idaho into the Union," approved July 3, 1890, "for other State charitable, educational, penal and reformatory institutions," are hereby appropriated and set apart for the exclusive use and benefit of said Academy, said lands to be held, disposed of, and the proceeds thereof used and applied for the benefit of said Academy, subject to the provisions of said admission bill and of the Constitution of the State of Idaho, and, so far as may be practicable, conformity with the established procedure of holding, disposing of, and applying the proceeds of the sale of lands granted for the establishment and maintenance of State Normal Schools in Idaho.

Sec. 551. Funds; Allowance of Bills. All funds appropriated for the use and benefit of said Academy, from every source, including the available proceeds from the sales of said lands, and the sale of bonds provided for said Academy, shall be under the control and direction of said board of trustees, subject to the provisions herein contained. The treasurer of the board of trustees shall pay out of such funds all orders or drafts for money to be expended under the provisions of this chapter. Such orders or drafts shall be drawn by the State Auditor upon certificates of the secretary countersigned by president of said board of trustees, and approved by the State Board of Examiners. No such certificates shall be given except on accounts audited and allowed by said board of trustees.

Sec. 552. Meetings of Board. The board of trustees shall hold two regular meetings annually, at the City of Pocatello, but special meetings may be called by the president of the board by sending written notice of at least ten days to each member.

Sec. 553. Teachers, Course of Study and Text Books. The board of trustees shall have power to elect a principal and all other teachers that may be deemed necessary, to fix the salaries of the same, and to prescribe their duties. They shall have power to remove the principal or teachers and appoint others in their stead. It shall be the duty of the board of trustees to prescribe the course of study and the time and standard of graduation, and to issue such certificates of graduation and diplomas as may from time to time be deemed suitable. The board of trustees shall prescribe the text books, and shall provide such suitable apparatus and furniture from time to time as they may deem necessary; Provided, That for the purpose of prescribing a course of study, but for that purpose only, the president of the State University and the State Superintendent of Public Instruction shall be ex-officio members of the board of trustees.

Sec. 554. Rules for Admission of Pupils. The board of trustees shall ordain such rules and regulations for the admission of pupils to said Academy as they shall deem necessary and proper. Pupils from other States and Territories may be admitted to all the privileges of such Academy upon paying such reasonable tuition fee as the trustees may prescribe.

Sec. 555. Allowance of Expenses to Board. The actual and necessary personal expenses incurred by the members of said board of

trustees in carrying out the provisions of this chapter shall be paid, on the proper certificate, out of any funds belonging to said Academy in the hands of the treasurer.

Sec. 556. **Report to Governor.** The president and secretary of said board of trustees shall, on the first days of January and July of each year, transmit to the Governor of the State a full report of the doings of the said board of trustees, the progress and condition of said Academy, together with a full report of the expenditures of the same for the previous six months, setting forth each item in full, and the date thereof, and such recommendations as they deem proper for the good of said Academy.

Sec. 557. **Guardianship Over Pupils.** The board of trustees in their regulations, and the principal and assistant in their supervision and government of said school, shall exercise a watchful guardianship over the morals of the pupils at all times during their attendance upon the same, but no religious or sectarian test shall be applied in the selection of teachers, and none shall be adopted in said school.

COMMENT.

This is one the last of the educational institutions incorporated by the state. The law creating it defines its purpose to be that of "teaching of all branches commonly taught in academies, including also the various studies pertaining to a common school education, and such special courses as are usually taught in business colleges." business colleges"

It is a connecting link between the high school and the university and at the same time rounds out a complete course for these who do not desire to go further in their school work.

How Maintained.—That for the maintenance, equipment, improvements, buildings, the purchase and condemnation of property, and other expenses pertaining to the Academy of Idaho, there be appropriated a sum equal to three-fifths (3-5) of a Mill on the Dollar annually on the present assessed valuation of the State, and that the same be included in the general appropriation bill for this session; that a like sum equivalent to three-fifths (3-5) of a Mill on the Dollar on the assessed valuation of the State at each recurring legislative session, on the present basis of valuing property, be appropriated and included in the general appropriation bills of said session until this Act it repealed; Provided, always: That any expenditure of Five Thousand Dollars (\$5,000) or over, from said appropriation shall first receive the approval of the Governor of Idaho before it shall be made; Provided, further: That this amount be appropriated in addition to the interest funds and in addition to any other funds provided by separate legislation. Session Laws 1911.

SCHOOL FOR DEAF, DUMB, AND BLIND.

Section 800. **Board of Education May Make Arrangements.** The State Board of Education is hereby empowered and authorized to make the necessary arrangements for the education of the deaf,

dumb and blind of this State, including the providing of a suitable building therefor, and equipping the same so far as may be necessary, including also the arranging for the conveyance of the scholars to and from the school, at the expense of the State, and including the hiring of a superintendent, instructors and employes, and the fixing of their compensation, and such other matters as may be necessary to carry into effect the provisions of this chapter; Provided, however: That the State Board of Education may, if it becomes necessary, enter into contract with one or more of the adjacent States or Territories (having an institution for the education of the deaf, dumb and blind) for the education of the deaf, dumb and blind of the State of Idaho, upon the most economical terms possible: Provided, however: That if it should become necessary to make any such contract, no more than three hundred dollars per year shall be paid for each scholar's instruction and board, including board during vacation.

Sec. 801. Examination of Applicants. The State Board of Education is authorized to provide for the careful examination of all applicants for admission to the school to be provided by the said board, and the expenses of the said examinations, and for other expenses in connection with the education of the deaf, dumb, and blind, under the authority conferred by this chapter, shall be paid out of the State Treasury, as provided by law.

Sec. 802. Definition of Deaf and Blind. All children between the ages of six and twenty-one years, who are too deaf or too blind to be educated in our public schools, shall be deemed deaf and blind for the purposes of this chapter.

Sec. 803. Census of Deaf, Dumb and Blind. It shall be the duty of the Board of Education to ascertain the number of deaf, dumb and blind persons in the State, as defined by the preceding section, and, as soon as practicable thereafter, to take the necessary steps for their education, as provided for in this chapter.

Sec. 804. Same; Duties of District Census Marshals. It is hereby made the duty of the census marshal of each school district in the State of Idaho, when he shall enumerate the children of school age in his district, to carefully ascertain what children in that district are deaf and blind, as defined in Section 802, and he shall note the name, age and sex of such child or children, also the name of parents or guardian or other person having the legal or actual charge of such child or children, and shall report the same to the county superintendent of public instruction, and said county superintendent of public instruction shall immediately report the same to the State Superintendent of Public Instruction. This school is maintained as each of the other State institution by the annual appropriation of one-third (1-3) of a mill on the dollar on the present (1911) assessed valuation of the State.

SALES OF LAND FROM 1891 TO DECEMBER 1, 1910

Grant.	Amount Sales	Principal Payments	Deferred Payments	Forfeited Sales	Forfeited Payments	Interest Payments	Average Sold	Average Forfeited
General School	\$3,204,387.83	\$ 892,126.61	\$1,632,246.62	\$537,586.21	\$57,571.61	\$498,075.25	191,476.85	20,405.77
University	291,957.65	99,836.77	178,971.28	14,800.00	1,650.40	52,365.08	20,667.86	1,480.00
Normal School	160,351.74	34,046.47	123,551.27	3,220.00	466.00	15,646.03	8,782.72	160.00
Agricultural College	334,618.35	53,934.22	279,244.13	1,600.00	160.00	17,465.43	18,475.81	160.00
Insane Asylum	120,879.47	20,164.46	96,773.58	5,239.40	1,357.97	7,246.37	7,009.26	479.94
Penitentiary	8,327.50	1,006.12	7,094.00	267.50	40.12	426.70	690.70	10.70
Public Buildings	172,941.84	53,373.74	118,641.10	1,030.00	103.00	15,199.46	8,309.13	80.00
Charitable Institutions	189,372.11	32,344.96	153,631.15	4,255.75	859.75	14,447.97	10,316.47	271.38
Scientific School	110,528.49	22,317.04	84,443.45	4,320.00	552.00	12,591.11	6,624.96	200.00
Totals	\$4,593,364.98	\$1,209,150.39	\$2,874,596.58	\$572,378.86	\$62,760.85	\$634,223.40	272,953.76	23,247.79

Resources

Derived from sales of land	
Forfeited sales	\$ 572,378.86
Forfeited payments	62,760.85
Less net forfeitures	\$ 509,618.01
Principal payments	\$1,209,150.39
Deferred payments	2,874,596.58
Resources from sale of land	\$4,073,746.97
Principal payments on land	\$1,209,150.39
Deferred payments on land	2,874,596.58
Principal payments on timber	1,199,418.74
Deferred payments on timber	31,179.61
Total	\$5,314,345.32

ACREAGE SOLD

Total	272,953.76
Forfeited	23,247.79
Net	249,705.97

INTEREST RECEIVED FROM THE FOLLOWING SOURCES FROM DECEMBER, 1908, TO DECEMBER, 1910.

	Land and Timber	Loans	Warrants	Bonds	Total
Common School Fund			\$ 9,004.35	\$103,659.11	\$316,862.45
University Fund	\$173,273.69	\$30,925.30	1,328.05	16,204.16	39,319.90
Normal School Fund	16,561.91	5,225.78	1,375.27	16,158.36	33,967.18
Agricultural College Fund	12,013.14	4,420.41	203.97	2,167.55	24,520.06
Insane Asylum Fund	22,028.54	120.00	297.91	3,810.89	12,362.55
Penitentiary Fund	8,093.75	160.00	181.38	3,189.48	4,068.28
Public Buildings Fund	662.32	35.00			11,201.33
Charitable Institutions Fund	11,201.33	5,747.32	1,053.01	16,380.83	35,859.57
School of Science Fund	12,678.41	1,131.05	360.15	11,101.46	22,569.93
Total	\$266,493.36	\$47,764.86	\$ 13,804.09	\$172,671.94	\$500,731.25

ARTICLE XXII.

MISCELLANEOUS PROVISIONS.

ARBOR DAY.

Sec. 188. **Arbor Day.** It shall be the duty of the county superintendent to set apart one (1) day in the proper time in each year between the first day of April and the first day of May, to be known as Arbor Day. He shall, by written or printed notice, notify the clerk of each school district of his county of the days set apart at least twenty (20) days prior to said day. It shall be the duty of the authorities of every public school in this State to assemble the pupils in their charge on that day in the school building, or elsewhere, as they may deem proper, and to provide for and conduct, under the general supervision of the county superintendent of public instruction, such exercises as shall tend to encourage the planting, protection and preservation of trees and shrubs, and an acquaintance with the best methods to be adopted to accomplish such results. The State Superintendent of Public Instruction, shall have power to prescribe, from time to time, in writing, a course of exercises and instruction in the subjects hereinbefore mentioned, which shall be adopted and observed by the school authorities on Arbor Day, and upon receipt of copies of such course, sufficient in number to supply all the schools under his supervision, the county superintendent of public instruction shall promptly provide each of the schools under his charge with a copy and cause it to be adopted and observed.

COMMENT.

To Governor Morton of Nebraska, belongs the honor of instituting Arbor Day. The second Wednesday in April, 1874, was designated as Arbor Day in Nebraska, and on that day twelve million trees were planted in that state alone. His object was to establish forests on the western prairies. The connecting of this day with the public schools is perhaps due to the teachers of Cincinnati, Ohio. They began in 1882 by having the children plant trees in memory of favorite and famous authors; since that time there have been added the care and culture of trees and shrubbery, for the purpose of beautifying the school grounds. Since the life of the birds is so intimately bound up with that of plant life. Bird Day is sometimes observed in connection with Arbor Day. The child is shown the birds usefulness in ridding the trees of insects injurious to them, and for this, as well as humane reasons, he is taught to be kind to them.

FLAG DAY

Sec. 59. **Shall Provide Flag.** It shall be the duty of the trustees of every school district in the State of Idaho to cause to be erected, and to keep in repair, upon all public school houses, or within the school house grounds surrounding such public school building, a

good and sufficient flag staff or pole, together with all necessary adjustments, and they shall provide a United States flag of not less than four (4) by eight (8) feet in size, which shall be floated from such flag staff or pole during the school hours of such days as the trustees and teacher may determine; Provided: That the flag shall not be hoisted on any school building during any day when a violent storm or inclement weather would destroy or materially injure such flag. The flag used by any and all such school districts, as provided for in this Section, shall be paid for out of the current expense fund of said district. The flags for use of public school buildings are hereby declared to be necessary supplies and are to be paid for from the aforesaid fund. Any person or persons who shall wilfully injure, deface, or destroy any flag, flag staff, or pole, or adjustment attached thereto, erected and arranged for the purpose of carrying out the requirements of this Section, shall be guilty of a misdemeanor and upon conviction, shall be fined not less than Five Dollars (\$5.00), nor more than Fifteen Dollars (\$15).

COMMENT.

Charles Sumner in speaking of the American Flag, says: "Its highest beauty is what it symbolizes. It is a piece of bunting in the air and every part has a voice. Its stripes of alternate red and white proclaim the original union of the states constituting our national constellation which receives a new star with every new state. The two together signify union, past and present. The very colors have a language which was recognized by our fathers. White for purity; red for valor; blue for justice; and all together—bunting, stripes, stars and colors, blazing in the sky—make the flag of our country to be cherished by all hearts, to be upheld by all hands."

Our nation has ever made much of its flag. Congress recently designating the 14th day of June each year as Flag Day. On this day, as well as on all other national occasions, the flag is unfurled on all government buildings.

To the soldier and sailor the flag stands for all there is of the nation and its government in whose service he has enlisted, and for which he must be ready at all times to yield the last measure of devotion, even his life; no wonder that the flag is revered by him, and that he revolts against anything which tends to degrade it.

On all men of war the flag is run up to the mast head at reveille and down again at retreat while the ship's band plays the "Star Spangled Banner" and every officer and sailor bares his head and salutes.

Even the foreigner, upon first touching the American shore, is obliged to salute the stars and stripes which carry American ideas, American history and American feelings, which stand for American institutions and for the government.

A proper love of country and the duty of patriotism should be a part of the education of every boy and girl, and this cannot be taught without due reverence for the flag. In the educational system of Idaho the flag plays an important part. We have a law that requires the trustees of every school district in the state to provide their school with a flag and flag staff. It also requires that the flag be hoisted every day that school is in session unless there is inclement weather.

There is no nobler motive than that having for its highest object the good of one's country. There never was a time when the flag was so revered and so honored as it is today. The future honor and glory of our country is in the hands of the girls and boys of today. If they are not true to the nation's flag to whom shall we look for its purity and the upholding of the splendid principles it represents?

LEGAL HOLIDAYS.

New Year's Day.

Sunday.

Washington's Birthday, February 22:

Decoration Day, May 30.

Fourth of July.

Labor Day, First Monday in September.

Columbus Day, October 12.

Christmas Day.

Pioneer Day, June 15.

State Election Day.

Thanksgiving Day.

SCHOOL ARCHITECTURE AND SCHOOL SANITATION.

Idaho has about a million dollars invested in school buildings and equipment, much of which is modern and up-to-date, yet it is a fact that in many school buildings the seats are all the same size regardless of the age of the children, the room is heated by a single stove and there is no means of ventilation

except from open windows or doors, under such conditions poor work and injury to the health of the child are inevitable.

The State Board of Education has authority to prescribe rules and regulations for the sanitary equipment and inspection of school buildings, and to take such other action as it may deem necessary and expedient to promote the physical welfare of the children of the public schools of the state (Secs. 8, 39), but it does not seem likely that it will be necessary to exercise such authority except in a general way. Revised Code, Sec. 1085.

There is a disposition on the part of school boards now so to construct buildings, whether one or many rooms, that the light will enter the room in the proper manner, that it will be free from draughts, that it be provided with the circulatory method of heating and ventilation, in short that the room in which the child spends nine months of its life for ten or twelve years and the teacher, her entire life, shall be as comfortable as the home. Under such condition good results may be demanded and obtained.

CHILDRENS PLAY GROUNDS AND SCHOOL GARDENS.

Play Grounds—Pres. Taft, in a letter addressed to the President of the Play Grounds Association of America, May 11, 1909, speaks as follows on this subject:

“I do not know anything which will contribute more to the strength and morality of that generation of boys and girls compelled to remain a part of urban population in this country, than the institution in their cities of playgrounds where their hours of leisure can be occupied by rational and healthful exercises. The advantage is twofold: In the first place idleness and confinement in a narrow space in the city, houses and cellars, unventilated dark rooms, is certain to suggest and bring about pernicious occupation and create bad habits. Gambling, drinking and other forms of vice are promoted in such a restricted mode of life.

“In the second place, an opportunity for hard, earnest and joyous play improves the health, develops the muscles, expands the lungs and teaches the moral lesson of attention, self-restraint, courage and patient efforts.

"I think every city is under the strongest obligation to its people to furnish the children, from the time they begin to walk until they reach manhood, place within the city walls large enough and laid out in proper form for the playing of all sorts of games which are known to our boys and girls and are liked by them.

"I sincerely hope that your present convention may be a success and the work that you have begun may go on until no city in this country is without suitable playgrounds for the children of those who but for such city assistance in this regard would be without them."

COMMENT.

Little has been done in Idaho along the line mentioned, Civic Improvement organizations have endeavored to enlist the support of the school children in their work and in return there has been much discussion in some of the towns concerning the necessity of establishing suitable play grounds under competent supervision for the children.

School Gardens.—All that has been said about play grounds will apply with equal force to school gardens aside from the fact that the child acquires an interest in and a practical knowledge of these subjects.

KINDERGARTENS.

Sec. 189. **Establishment of Kindergartens.** The school board of any school district in the State is hereby empowered to establish and maintain free kindergartens in connection with the public schools of each district for the instruction of children between the ages of three (3) and six (6), residing in said district, and shall establish such courses of training, study, and discipline, and such rules and regulations governing such preparatory or kindergarten schools, as said board may deem best; Provided: That nothing in this section shall be construed to change the law relating to the taking of the census of the school population, or the apportionment of State and county school funds among the several counties and districts in this State; Provided, further: That the cost of establishing and maintaining such kindergartens shall be paid from the special school fund of said district, and the said kindergartens shall be a part of the public school system, and governed, as far as practicable, in the same manner and by the same officers as is now, or hereafter may be, provided by law for the government of other public schools of the State; Provided, further: That all teachers employed in these schools shall have a diploma, from some reputable kindergarten training

school, or shall be licensed in accordance with the rules and regulations established by the State Superintendent of Public Instruction.

COMMENT.

Thus far few school boards have availed themselves of the power herein granted. Kindergarten schools count for most in cities, where play grounds are scarce and where less parental care can be given to the children than in the country and smaller towns and villages. For here the mother is not required to be away from home to earn something for the support of the family and hence less necessity for the states guarding its safety by establishing schools to care for the children during the enforced absence of both parents. But as the city population increases, the necessity for the kindergarten will become greater and as the methods of the teachers in these schools now is to turn the child's instincts for play into exercises that will be useful in his future school work they are likely to become more and more popular and useful.

SCHOOL MONTH DEFINED.

Section 185. **School Month Defined.** A school month is four (4) weeks, of five (5) school days.

SECTARIAN AND PARTISAN INSTRUCTION.

Sec. 186. **Sectarian and Partisan Instruction Forbidden.** No books, papers, tracts or documents of a political, sectarian, or denominational character shall be used or introduced in any school established under the provisions of this Chapter, and any and every political, sectarian, or denominational doctrine is hereby expressly forbidden to be taught therein; nor shall any teacher or any district receive any of the public school moneys in which the schools have not been taught in accordance with the provisions of this Chapter.

REPEALING CONFLICTS.

Section 194. All Acts or parts of Acts in conflict with this Act are hereby repealed.

Sec. 195. This Act is intended to constitute a complete code and system for the government and regulation of the common schools of Idaho, and is intended to be complete in itself, without reference to or aid from other laws; and all Acts or parts of Acts which modify or tend to modify, this Act or any part thereof shall be disregarded by the Courts in the construction of this Act.

NOTE—This statement does not apply to the state institutions as the new code did not change the laws governing them.

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